



Public Works & Transportation Meeting Agenda

Committee Chair: MaryJane Shimsky

800 Michaelan Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Monday, April 11, 2022

10:00 AM

Committee Room

CALL TO ORDER

Meeting jointly with the Committees on Parks & Recreation, Budget & Appropriations, Law & Major Contracts, and Housing

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

[2022-181](#) **CBA-RMF02 & BLA1A**

AN ACT amending the 2022 County Capital Budget Appropriations for Capital Project RMF02 - Reconstruction of Memorial Field, Mt. Vernon; & BLA1A - Parkland & Historical Preservation Program (4th Street Playground, Mt. Vernon).

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PARKS & RECREATION AND PUBLIC WORKS & TRANSPORTATION

Joint with P&R, L&MC, and B&A.

Guest: Department of Public Works & Transportation

Commissioner Greechan

Associate County Attorney David Vutera-LAW

[2022-182](#) **BOND ACT-RMF02-Reconstruction of Memorial Field, Mount
Vernon**

A BOND ACT authorizing the issuance of TEN MILLION (\$10,000,000) DOLLARS in bonds of Westchester County to finance the cost of additional work associated with Capital Project RMF02 - Memorial Field, Mt. Vernon.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PARKS & RECREATION, PUBLIC WORKS & TRANSPORTATION AND LAW & MAJOR CONTRACTS

Joint with P&R, L&MC, and B&A.

Guest: Department of Public Works & Transportation

Commissioner Greechan

Associate County Attorney David Vutera-LAW

2022-183 PH-Amendment to IMA-Mount Vernon-Memorial Field

A RESOLUTION to set a Public Hearing on "A LOCAL LAW authorizing the County of Westchester to enter into a third amendment to an intermunicipal agreement with the City of Mount Vernon for the design and construction of improvements to Memorial Field, in order to provide for additional work to be performed by the County due to unforeseen site conditions and to increase the County's commitment to finance the improvements to a total amount of FORTY MILLION, EIGHT HUNDRED NINETY-NINE THOUSAND (\$40,899,000) DOLLARS." Public Hearing set for _____, 2022 at _____ .m. LOCAL LAW INTRO: 2022-184.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PARKS & RECREATION, PUBLIC WORKS & TRANSPORTATION AND LAW & MAJOR CONTRACTS

Joint with P&R, L&MC, and B&A.
Guest: Department of Public Works & Transportation
Commissioner Greechan
Associate County Attorney David Vutera-LAW

2022-184 LOCAL LAW-Amendment to IMA-Mount Vernon-Memorial Field

A LOCAL LAW authorizing the County of Westchester to enter into a third amendment to an intermunicipal agreement with the City of Mount Vernon for the design and construction of improvements to Memorial Field, in order to provide for additional work to be performed by the County due to unforeseen site conditions and to increase the County's commitment to finance the improvements to a total amount of FORTY MILLION, EIGHT HUNDRED NINETY-NINE THOUSAND (\$40,899,000) DOLLARS.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PARKS & RECREATION, PUBLIC WORKS & TRANSPORTATION AND LAW & MAJOR CONTRACTS

Joint with P&R, L&MC, and B&A.
Guest: Department of Public Works & Transportation
Commissioner Greechan
Associate County Attorney David Vutera-LAW

2022-139 BOND ACT-RP02A-Ice Casino Improvements II

A BOND ACT authorizing the issuance of EIGHTEEN MILLION, SIX HUNDRED NINETY SEVEN THOUSAND (\$18,697,000) DOLLARS in bonds of Westchester County to finance Capital Project RP02A - Ice Casino Improvements II.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND PUBLIC WORKS & TRANSPORTATION

Joint with B&A.

Guests: Department of Parks & Recreation

Commissioner O'Connor

First Deputy Commissioner Tartaglia

Jim Antonaccio

2022-166 BOND ACT-BPL1A-23 Mulberry Street, Yonkers

A BOND ACT authorizing the issuance of THREE MILLION, FIVE HUNDRED THOUSAND (\$3,500,000) DOLLARS in bonds of Westchester County to finance Capital Project BPL 1A - Housing Implementation Fund II.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND HOUSING

Joint with B&A and Housing.

Guests: Department of Planning

Commissioner Drummond

Deputy Commissioner Lopez

Program Administrator (Housing & Community Development) Gruenfeld

2022-167 ACT-IMDA-Yonkers & La Mora, LLC-23 Mulberry Street, Yonkers

AN ACT authorizing the County of Westchester (the "County") to enter into an inter-municipal developer agreement with the City of Yonkers and La Mora, LLC, its successors or assigns, to fund certain infrastructure improvements as well as authorizing the County to grant and accept any property rights necessary in furtherance thereof, all for the purpose of constructing 60 senior affordable rental units at 23 Mulberry Street in the City of Yonkers, that will affirmatively further fair housing and remain affordable for a period of not less than 50 years.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS, PUBLIC WORKS & TRANSPORTATION AND HOUSING

Joint with B&A and Housing.

Guests: Department of Planning

Commissioner Drummond

Deputy Commissioner Lopez

Program Administrator (Housing & Community Development) Gruenfeld

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

March 24, 2022

TO: Hon. Catherine Borgia, Chair
Hon. Nancy Barr, Vice Chair
Hon. Christopher Johnson, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer
Westchester County Executive 

RE: Message Requesting Immediate Consideration: **CBA-RMF02 & BLA1A, BOND ACT-RMF02, and LOCAL LAW-Amending IMA with Mount Vernon.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators March 28, 2022 Agenda.

Transmitted herewith for your review and approval are the following:

- 1) An Act to amend the current-year capital budget (“Capital Budget Amendment”) by modifying the method of financing for project RMF02 – Memorial Field, Mt. Vernon (“RMF02”) and project BLA1A – Parkland and Historical Preservation Program (“BLA1A”);
- 2) A bond act (the “Bond Act”) which, if adopted, would authorize the County of Westchester (“County”) to issue bonds in the amount of \$10,000,000 to finance the cost of additional work associated with project RMF02; and
- 3) A local law (the “Local Law”) authorizing the County to amend an intermunicipal agreement (“IMA”) with the City of Mount Vernon (the “City”) to reflect the additional work associated with project RMF02 and to increase to \$40,899,000.00 the County’s commitment to finance the improvements to Memorial Field (“Property”).

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for March 28, 2022 “blue sheet” calendar.

Thank you for your prompt attention to this matter.

George Latimer
County Executive

March 22, 2022

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval are the following:

- 1) An Act to amend the current-year capital budget (“Capital Budget Amendment”) by modifying the method of financing for project RMF02 – Memorial Field, Mt. Vernon (“RMF02”) and project BLA1A – Parkland and Historical Preservation Program (“BLA1A”);
- 2) A bond act (the “Bond Act”) which, if adopted, would authorize the County of Westchester (“County”) to issue bonds in the amount of \$10,000,000 to finance the cost of additional work associated with project RMF02; and
- 3) A local law (the “Local Law”) authorizing the County to amend an intermunicipal agreement (“IMA”) with the City of Mount Vernon (the “City”) to reflect the additional work associated with project RMF02 and to increase to \$40,899,000.00 the County’s commitment to finance the improvements to Memorial Field (“Property”).

The Capital Budget Amendment

The proposed Act for a Capital Budget Amendment will amend the County’s current-year capital budget by increasing the County share for RMF02 by \$10,000,000 and reallocating \$2,000,000 in County-shares from project BLA1A to project RMF02.

The Bond Act

The Bond Act, in the total amount of \$10,000,000, will finance the cost of additional work associated with the construction of recreational improvements at the Memorial Field recreation facility in the City (“Memorial Field”). The additional work is necessary due to unforeseen site conditions, including: shallow bedrock which required additional rock drilling; debris and contaminated soil discovered throughout the site, which required proper removal and disposal; and unstable rock slope which required larger than anticipated rock removal to meet a stable rock face for the grandstand foundation. In addition, the project required design changes resulting from the unforeseen site conditions, including changes to the building foundations and a redesign of the drainage system. Further, it became necessary to relocate the scoreboard and its infrastructure to a more visible location than was originally shown on the plans to

Office of the County Executive

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118 Martine Avenue
White Plains, New York 10601

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allow for advertising and income generating potentials for the City. Lastly, the additional funding is attributable to inflation, supply chain delays and cost increases due to Covid-19.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance components of RMF02 as indicated in the annexed fact sheet and as follows:

- (i) Bond Act No. 43-2020 in the amount of \$365,000 to finance installation of tennis courts at Memorial Field;
- (ii) Bond Act No. 44-2020 in the amount of \$525,000 to finance the cost of the installation of a skate park at Memorial Field;
- (iii) Bond Act No. 45-2020 in the amount of \$5,398,000 to finance a portion of the cost of the installation of an eight lane running track and bleacher seating with a capacity of approximately 3,900 spectators at Memorial Field;
- (iv) Bond Act No. 46-2020 in the amount of \$5,398,000 to finance a portion of the cost of the installation of a multi-purpose synthetic turf field at Memorial Field; and
- (v) Bond Act No. 7-2021, which amended Bond Act Nos. 43-2020, 44-2020, 45-2020 and 46-2020, to increase the total aggregate amount authorized by \$2,666,000, and consolidated said bond acts into one amended bond act in the total authorized amount of \$14,352,000.

The Local Law

The Local Law would authorize the County to amend the IMA with the City to reflect the additional work associated with project RMF02 and to increase the County's commitment to finance the improvements to the Property to \$40,899,000.00.

By way of background, on January 5, 2009, your Honorable Board adopted Local Law No. 2-2009 authorizing the County to enter into the IMA with the City in order to lease the Property from the City for a term of fifteen (15) years. Your Honorable Board also adopted Bond Act No. 4-2009 authorizing the issuance of \$1,300,000 in County bonds to finance the design of the improvements to the Property. Subsequently, your Honorable Board adopted Bond Act No. 50-2010 authorizing the issuance of \$9,700,000 in County bonds to finance design and construction of these improvements.

The parties executed the IMA which required the City to undertake the design and construction of improvements to the Property. The County was required to reimburse the cost of the design and construction of those improvements up to an amount not to exceed \$9,700,000. The IMA provided that the City could not deviate from the County-approved plans without the County's consent. Pursuant to the IMA the improvements included, but were not limited to: demolition of existing structures, stands and courts; construction of an illuminated synthetic turf football/soccer field; a natural turf illuminated soccer field; grandstands for 4,000 people; all-weather track; illuminated basketball court; new buildings to include a ticket booth, concession stand, bathrooms, press box with restroom and elevator, service building and locker rooms; replacement of concrete sidewalk; installation of chain link fencing; and associated infrastructure, site-work and landscaping (the "Project"). The IMA specifically provided that following construction, the City would be responsible for the operation, maintenance, scheduling and security of the Project at its own expense. In addition, the IMA required that the Project would be available to all Westchester County residents.

The County subsequently reimbursed the City a total of \$3,400,000, consisting of \$1,300,000 for design and \$2,100,000 for 25% of construction. However, the City violated the IMA by not constructing the Project, allowing unauthorized tennis courts to be constructed on the Property, and issuing a license to operate a tennis concession. The City also permitted approximately 18,000 tons of unknown dirt and debris to be dumped on the Property, resulting in a May 2017 New York State Department of Environmental Conservation (“NYSDEC”) Consent Order requiring the City to perform testing and remediation of the Property.

On December 3, 2018, your Honorable Board adopted Local Law 2018-15 authorizing the County to amend the IMA (“First Amendment”) to give the County responsibility for procuring final design services and construction of the Project. The First Amendment also gave the County control of all funds provided for the Project by the State of New York or governmental entities other than the City. The First Amendment was duly executed. The County’s obligations under the First Amendment did not arise until the City remediated the Property to the full satisfaction of the NYSDEC and the County. The Property was subsequently remediated.

On April 14, 2020, your Honorable Board adopted Local Law 2020-4 authorizing the County to further amend the IMA (the “Second Amendment”) to revise the description of the Project including, but not limited to, the design, permitting, construction management and construction of: a multi-purpose synthetic turf field; an eight lane-running track and bleacher seating with a capacity of approximately 3,900; tennis courts; a skate park; and several buildings including, but not limited to, locker rooms, concessions, ticket sales, restrooms, security, and equipment storage; replacement of concrete sidewalk; installation of chain link fencing; and associated infrastructure, site-work and landscaping, and other associated equipment and appurtenances as more particularly described in plans and specifications approved by the County Commissioner of Public Works and Transportation or the Commissioner’s duly authorized designee. The Second Amendment also specified that the term of the IMA and lease which commenced on December 24, 2008, will continue until the expiration of any bonds issued in connection with the IMA. Finally, in exchange for the Property being open to all County residents, the County agreed to finance the design, permitting, construction management and construction of the Project in a total amount not to exceed \$29,602,000.00. The Second Amendment also provided that if the Project costs exceed that amount, the City will be solely responsible for any additional amount. The Second Amendment was duly executed.

The County and the City propose to further amend the IMA to reflect the additional work to be performed by the County due to the above indicated unforeseen site conditions and to increase the County’s commitment to finance the improvements to Memorial Field to a total aggregate amount of \$40,899,000.00. All other terms and conditions of the IMA, as previously amended, will remain in full force and effect.

The Local Law will require a public hearing be held. As such attached is a Resolution authorizing a public hearing as required by Section 209.141(4) of the Laws of Westchester County.

The Planning Department has reviewed the above referenced capital project with respect to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (“SEQR”). The Planning Department has advised that this Project was originally reviewed pursuant to SEQR by the City. In accordance with SEQR, the City classified this project as a Type I action and circulated a notice of intent to serve as lead agency. A Negative Declaration was issued for the Project by the Mount Vernon Recreation Department in 2010. As per section 617.6(b)(3), since the City undertook coordinated review and the County was included as an involved agency, no further environmental review by the County was

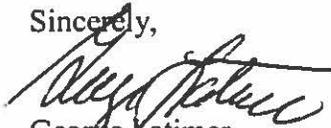
required. The current request is for an increase in funding to address unforeseen site conditions and a relocation of one of the proposed amenities within the Project area. Since there will be no substantial changes in the scope of the Project, the City's original Negative Declaration remains valid and no further environmental review is required. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

The Planning Department also reviewed the above referenced IMA amendment with respect to SEQR, noting that the City classified the overall Project as a Type I action and issued a Negative Declaration for the Project on April 27, 2010. The City undertook coordinated review and the County was included as an involved agency. The Project design, scope, associated costs and IMA were revised in 2020. The Planning Department reviewed the revised plans and amendments to the IMA and determined that they consisted of relatively minor alterations in design and included adequate mitigation for any potential environmental impacts from such changes. The Planning Department advised that the potential environmental impacts were substantially within the scope of the 2010 plans and the Negative Declaration issued by the City in 2010. As the current amendment to the IMA is limited to (1) providing for additional work to be performed by the County due to unforeseen site conditions, and (2) increasing the County's financial contribution to \$40,899,000, the Planning Department has advised that the potential environmental impacts remain substantially within the scope of the 2010 plans and the Negative Declaration issued by the City in 2010. As such, no further environmental review is required for the proposed legislation.

The Planning Department has further advised that the Planning Board has previously reviewed this Project and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

Based on the importance of this Project to the County, favorable action on the proposed Capital Budget Amendment, Bond Act, and Local Law is most respectfully requested.

Sincerely,



George Latimer
County Executive

GL/KOC/jpg
Attachments

TO: Michelle Greenbaum, Assistant County Attorney
Jeffrey Goldman, Senior Assistant County Attorney

FROM: David S. Kvinge, AICP, RLA, CFM 
Assistant Commissioner

DATE: February 28, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RMF02 RECONSTRUCTION OF MEMORIAL FIELD MT VERNON**

The Planning Department has reviewed the above referenced capital project (Fact Sheet Unique ID: 1885) with respect to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR).

As detailed in the Planning Department's previous memorandum for capital project RMF02, dated February 13, 2020, this project was originally reviewed pursuant to SEQR by the City of Mount Vernon. In accordance with SEQR, the City classified this project as a Type I action and circulated a notice of intent to serve as lead agency. A Negative Declaration was issued for the project by the Mount Vernon Recreation Department in 2010. As per section 617.6(b)(3), since the City undertook coordinated review and the County of Westchester was included as an involved agency, no further environmental review by the County was required.

The current request is for an increase in funding to address unforeseen site conditions and a relocation of one of the proposed amenities within the project area. Since there will be no substantial changes in the scope of the project, the City's original Negative Declaration remains valid and no further environmental review is required.

Do not hesitate to contact me if you have any questions regarding this matter.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Gideon Grande, Deputy Budget Director
Lorraine Yazzetta, Associate Budget Director
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation
Peter Tartaglia, First Deputy Commissioner of Parks, Recreation and Conservation
Anthony Zaino, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

TO: David Vutera
Associate County Attorney

FROM: David S. Kvinge, AICP, RLA, CFM
Assistant Commissioner



DATE: March 17, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR MEMORIAL FIELD
MOUNT VERNON IMA AMENDMENT**

Pursuant to your request, the Planning Department has reviewed the above referenced action with respect to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR).

The action involves an amendment to an intermunicipal agreement (IMA) with the City of Mount Vernon for the redevelopment of Memorial Field Stadium, a municipal park located on Sanford Boulevard in Mount Vernon, which is owned by the City of Mount Vernon. The agreement, which was executed in 2010, provided for County funding assistance, under the County's Westchester Legacy Program (capital project BLA01), towards the cost of design and construction of the redevelopment project and the City would be responsible for all aspects of undertaking the project.

Pursuant to SEQR, the City of Mount Vernon Recreation Department classified the overall project as a Type I action and issued a Negative Declaration for the project on April 27, 2010. The City undertook coordinated review and the County of Westchester was included as an involved agency. The project design, scope, associated costs and IMA were revised in 2020. The Planning Department reviewed the revised plans and amendments to the IMA and determined that they consisted of relatively minor alterations in design and included adequate mitigation for any potential environmental impacts from such changes. The Planning Department advised that the potential environmental impacts were substantially within the scope of the 2010 plans and the Negative Declaration issued by the City of Mount Vernon in 2010.

As the current amendment to the IMA is limited to (1) providing for additional work to be performed by the County due to unforeseen site conditions, and (2) increasing the County's financial contribution to \$40,899,000, the Planning Department advises that the potential environmental impacts remain substantially within the scope of the 2010 plans and the Negative Declaration issued by the City of Mount Vernon in 2010. No further environmental review is required for the proposed legislation.

Please do not hesitate to contact me if you have any questions regarding this matter.

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Kathleen O'Connor, Commissioner of Parks, Recreation and Conservation
Hugh Greechan, Commissioner of Public Works and Transportation
Norma Drummond, Commissioner of Planning
Tami Altschiller, Assistant Chief Deputy County Attorney
Anthony Zaino, Assistant Commissioner
William Brady, Chief Planner
Claudia Ng Maxwell, Associate Environmental Planner

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER, NEW YORK**

Your Committee is in receipt of a transmittal from the County Executive recommending approval by the County of Westchester (“County”) of the following:

- 1) An Act to amend the current-year capital budget (“Capital Budget Amendment”) by modifying the method of financing for project RMF02 – Memorial Field, Mt. Vernon (“RMF02”) and project BLA1A – Parkland and Historical Preservation Program (“BLA1A”);
- 2) A bond act (the “Bond Act”) which, if adopted, would authorize the County to issue bonds in the amount of \$10,000,000 to finance the cost of additional work associated with project RMF02; and
- 3) A Local Law (the “Local Law”) authorizing the County to amend an intermunicipal agreement (“IMA”) with the City of Mount Vernon (the “City”) to reflect the additional work associated with project RMF02 and to increase to \$40,899,000.00 the County’s commitment to finance the improvements to Memorial Field (“Property”).

The Capital Budget Amendment

Your Committee is advised that the proposed Act for the Capital Budget Amendment will amend the County’s current-year capital budget by increasing the County share for RMF02 by \$10,000,000 and reallocating \$2,000,000 in County-shares from project BLA1A to project RMF02.

The Bond Act

The Bond Act, which was prepared by the law firm Hawkins, Delafield & Wood, will finance the cost of additional work associated with the construction of recreational improvements at the Memorial Field recreation facility in the City (“Memorial Field”). The additional work is necessary due to unforeseen site conditions, including: shallow bedrock which required additional rock drilling; debris and contaminated soil discovered throughout the site, which required proper removal and disposal; and unstable rock slope which required larger than anticipated rock removal to meet a stable rock face for the grandstand foundation. In addition, the project required design changes resulting from the unforeseen site conditions, including changes to the building foundations and a redesign of the drainage system. Further, it became necessary to relocate the scoreboard and its infrastructure to a more visible location than was originally shown on the plans to allow for advertising and income generating potentials for the City. Lastly, the additional funding is attributable to inflation, supply chain delays and cost increases due to Covid-19.

It should be noted that your Honorable Board has previously authorized the County to issue bonds to finance components of RMF02 as indicated in the annexed fact sheet and as follows:

(i) Bond Act No. 43-2020 in the amount of \$365,000 to finance installation of tennis courts at Memorial Field;

(ii) Bond Act No. 44-2020 in the amount of \$525,000 to finance the cost of the installation of a skate park at Memorial Field;

(iii) Bond Act No. 45-2020 in the amount of \$5,398,000 to finance a portion of the cost of the installation of an eight lane running track and bleacher seating with a capacity of approximately 3,900 spectators at Memorial Field;

(iv) Bond Act No. 46-2020 in the amount of \$5,398,000 to finance a portion of the cost of the installation of a multi-purpose synthetic turf field at Memorial Field; and

(v) Bond Act No. 7-2021, which amended Bond Act Nos. 43-2020, 44-2020, 45-2020 and 46-2020, to increase the total aggregate amount authorized by \$2,666,000, and consolidated said bond acts into one amended bond act in the total authorized amount of \$14,352,000.

The Local Law

The Local Law would authorize the County to amend the IMA with the City to reflect the additional work associated with project RMF02 and to increase the County's commitment to finance the improvements to the Property to \$40,899,000.00.

By way of background, on January 5, 2009, your Honorable Board adopted Local Law No. 2-2009 authorizing the County to enter into the IMA with the City in order to lease the Property from the City for a term of fifteen (15) years. Your Honorable Board also adopted Bond Act No. 4-2009 authorizing the issuance of \$1,300,000 in County bonds to finance the design of the improvements to the Property. Subsequently, your Honorable Board adopted Bond Act No. 50-2010 authorizing the issuance of \$9,700,000 in County bonds to finance design and construction of these improvements.

The parties executed the IMA which required the City to undertake the design and construction of improvements to the Property. The County was required to reimburse the cost of the design and construction of those improvements up to an amount not to exceed \$9,700,000. The IMA provided that

the City could not deviate from the County-approved plans without the County's consent. Pursuant to the IMA the improvements included, but were not limited to: demolition of existing structures, stands and courts; construction of an illuminated synthetic turf football/soccer field; a natural turf illuminated soccer field; grandstands for 4,000 people; all-weather track; illuminated basketball court; new buildings to include a ticket booth, concession stand, bathrooms, press box with restroom and elevator, service building and locker rooms; replacement of concrete sidewalk; installation of chain link fencing; and associated infrastructure, site-work and landscaping (the "Project"). The IMA specifically provided that following construction, the City would be responsible for the operation, maintenance, scheduling and security of the Project at its own expense. In addition, the IMA required that the Project would be available to all Westchester County residents.

The County subsequently reimbursed the City a total of \$3,400,000, consisting of \$1,300,000 for design and \$2,100,000 for 25% of construction. However, the City violated the IMA by not constructing the Project, allowing unauthorized tennis courts to be constructed on the Property, and issuing a license to operate a tennis concession. The City also permitted approximately 18,000 tons of unknown dirt and debris to be dumped on the Property, resulting in a May 2017 New York State Department of Environmental Conservation ("NYSDEC") Consent Order requiring the City to perform testing and remediation of the Property.

On December 3, 2018, your Honorable Board adopted Local Law 2018-15 authorizing the County to amend the IMA ("First Amendment") to give the County responsibility for procuring final design services and construction of the Project. The First Amendment also gave the County control of all funds provided for the Project by the State of New York or governmental entities other than the City. The First Amendment was duly executed. The County's obligations under the First Amendment did not arise until the City remediated the Property to the full satisfaction of the NYSDEC and the County. The Property was subsequently remediated.

On April 14, 2020, your Honorable Board adopted Local Law 2020-4 authorizing the County to further amend the IMA ("Second Amendment") to revise the description of the Project including, but not limited to, the design, permitting, construction management and construction of: a multi-purpose synthetic turf field; an eight lane-running track and bleacher seating with a capacity of approximately 3,900; tennis courts; a skate park; and several buildings including, but not limited to, locker rooms, concessions, ticket sales, restrooms, security, and equipment storage; replacement of concrete sidewalk;

installation of chain link fencing; and associated infrastructure, site-work and landscaping, and other associated equipment and appurtenances as more particularly described in plans and specifications approved by the County Commissioner of Public Works and Transportation or the Commissioner's duly authorized designee. The Second Amendment also specified that the term of the IMA and lease, which commenced on December 24, 2008, will continue until the expiration of any bonds issued in connection with the IMA. Finally, in exchange for the Property being open to all County residents, the County agreed to finance the design, permitting, construction management and construction of the Project in a total amount not to exceed \$29,602,000.00. The Second Amendment also provided that if the Project costs exceed that amount, the City will be solely responsible for any additional amount. The Second Amendment was duly executed.

The County and the City propose to further amend the IMA to reflect the additional work to be performed by the County due to the above indicated unforeseen site conditions and to increase the County's commitment to finance the improvements to Memorial Field to a total aggregate amount of \$40,899,000.00. All other terms and conditions of the IMA, as previously amended, will remain in full force and effect.

The Local Law will require a public hearing be held. As such attached is a Resolution authorizing a public hearing as required by Section 209.141(4) of the Laws of Westchester County.

The Planning Department has reviewed the above referenced capital project with respect to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR). The Planning Department has advised your Committee that this Project was originally reviewed pursuant to SEQR by the City. In accordance with SEQR, the City classified this Project as a Type I action and circulated a notice of intent to serve as lead agency. A Negative Declaration was issued for the Project by the Mount Vernon Recreation Department in 2010. As per section 617.6(b)(3), since the City undertook coordinated review and the County was included as an involved agency, no further environmental review by the County was required. The current request is for an increase in funding to address unforeseen site conditions and a relocation of one of the proposed amenities within the project area. Since there will be no substantial changes in the scope of the project, the City's original Negative Declaration remains valid and no further environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this conclusion.

The Planning Department also reviewed the above referenced IMA amendment with respect to SEQR, noting that the City classified the overall Project as a Type I action and issued a Negative Declaration for the Project on April 27, 2010. The City undertook coordinated review and the County was included as an involved agency. The Project design, scope, associated costs and IMA were revised in 2020. The Planning Department reviewed the revised plans and amendments to the IMA and determined that they consisted of relatively minor alterations in design and included adequate mitigation for any potential environmental impacts from such changes. The Planning Department advised that the potential environmental impacts were substantially within the scope of the 2010 plans and the Negative Declaration issued by the City in 2010. As the current amendment to the IMA is limited to (1) providing for additional work to be performed by the County due to unforeseen site conditions, and (2) increasing the County's financial contribution to \$40,899,000, the Planning Department has advised that the potential environmental impacts remain substantially within the scope of the 2010 plans and the Negative Declaration issued by the City in 2010. As such, no further environmental review is required for the proposed legislation. Your Committee has reviewed the annexed SEQR documentation and concurs with this conclusion.

The Planning Department has further advised your Committee that the Planning Board has previously reviewed this Project and issued a report, and that since there is no change in the scope of the work and this is simply a change in the financing plan, no further action by the Planning Board is necessary at this time.

Your Committee has carefully considered the proposed Capital Budget Amendment, the related Bond Act, and the Local Law to amend the IMA and recommends approval of all three, noting that the Bond Act and Local Law may only be enacted following adoption of the Capital Budget Amendment. It should also be noted that an affirmative vote of two-thirds of the members of your Honorable Board is required in

order to amend the County's Capital Budget and to adopt the Bond Act. As the IMA amendment involves a lease longer than ten years, adoption of the Local Law also requires a two-thirds vote pursuant to Section 104.11[5](e) of the County Charter.

Dated: _____, 20____.
White Plains, New York

COMMITTEE ON

CJG/ 3-17-22

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RMF02

NO FISCAL IMPACT PROJECTED

SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

Source of County Funds (check one):

Current Appropriations

Capital Budget Amendment

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 10,000,000 PPU 15 Anticipated Interest Rate 1.83%

Anticipated Annual Cost (Principal and Interest): \$ 764,588

Total Debt Service (Annual Cost x Term): \$ 11,468,820

Finance Department: Interest rates from March 9, 2022 Bond Buyer - ASBA

SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations
(describe in detail for current and next four years):

SECTION D - EMPLOYMENT

As per federal guidelines, each \$92,000 of appropriation funds one FTE Job

Number of Full Time Equivalent (FTE) Jobs Funded: 109

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Ken Uhle

Title: Program Coord. Capital Planning PRC

Department: DPW&T

Date: 3/21/22

Reviewed By: 

Deputy Budget Director

Date: 3/22/22

Department of Planning

432 Michaelian Office Building
White Plains, NY 10601

To: The Westchester County Planning Board

From: Kelly Sheehan, Assistant Commissioner *KS*

Date: March 18, 2022

RE: **Capital Budget Amendment –
RMF02 Reconstruction of Memorial Field, Mount Vernon and
BLA1A Parkland and Historical Preservation Program**

The County Executive is requesting an amendment to the 2022 Capital Budget to modify the funding of the above projects. Capital project RMF02 provides funding for the reconstruction of the 12 acre Memorial Field recreation facility in the City of Mount Vernon. Capital project BLA1A provides funding for land acquisition and improvements related to active recreation, preservation of open space, historic preservation and protection of our cultural heritage.

A Capital Budget Amendment is requested to increase the County share for RMF02 by \$10,000,000 and reallocating \$2,000,000 in County-shares from project BLA1A to RMF02.

Additional funds are being requested to finance the cost of additional work at Memorial Field which is necessary due to unforeseen site conditions, including: shallow bedrock which has required additional rock drilling, debris and contaminated soil discovered throughout the site which required proper removal and disposal, and unstable rock slope which required larger than anticipated rock removal to meet a stable rock face for the grandstand foundation. In addition, the unforeseen site conditions required changes to the building foundations and a redesign of the drainage system. Further, it became necessary to relocate the scoreboard and its infrastructure to a more visible location. Additional funds are also attributable to inflation, supply chain delays and cost increases due to Covid-19.

There are no changes to the physical planning aspects of this project as reviewed by the Board; therefore, no further action by your Board is necessary.

cc: Norma V. Drummond, Commissioner
David Kvinge, Director, Environmental Planning
William Brady, Chief Planner
Michael Lipkin, Associate Planner

An Act amending the 2022 County Capital Budget Appropriations for Capital Projects RMF02 - Reconstruction of Memorial Field, Mt. Vernon; & BLA1A - Parkland & Historical Preservation Program (4th Street Playground, Mt. Vernon)

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

Section 1. The Capital section of the 2022 County Budget is hereby amended as follows:

	Previous 2022 Appropriation	Change	Revised 2022 Appropriation
I. Appropriation			
RMF02	\$25,000,000	\$10,000,000	\$35,000,000
BLA1A	<u>\$19,300,000</u>	<u>-\$2,000,000</u>	<u>\$17,300,000</u>
TOTAL	\$44,300,000	\$8,000,000	\$52,300,000

Section 2. The estimated method of financing in the Capital Section of the 2022 Westchester County Capital Budget is amended as follows:

II. METHOD OF FINANCING

RMF02

Bonds and/or Notes	\$19,750,000	\$10,000,000	\$29,750,000
Non County Shares	\$5,250,000		\$5,250,000
Cash	<u>\$0</u>		<u>\$0</u>
Total	\$25,000,000	\$10,000,000	\$35,000,000

BLA1A

Bonds and/or Notes	\$18,000,000	-\$2,000,000	\$16,000,000
Non County Shares	\$0		\$0
Cash	<u>\$1,300,000</u>		<u>\$1,300,000</u>
Total	\$19,300,000	-\$2,000,000	\$17,300,000

Section 3. The ACT shall take effect immediately.

ACT NO. -20____

BOND ACT AUTHORIZING THE ISSUANCE OF \$10,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF IMPROVEMENTS AT THE MEMORIAL FIELD RECREATION FACILITY IN THE CITY OF MOUNT VERNON; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$10,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$10,000,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS.

(Adopted , 20____)

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Board), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and to the provisions of other laws applicable thereto, and an Intermunicipal Agreement between the County and the city of Mount Vernon; \$10,000,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the construction of improvements at the Memorial Field recreation facility in the city of Mount Vernon, including additional work due to unforeseen site conditions such as rock and contaminated soil removal and disposal, additional rock drilling for the grandstand foundation, unstable rock slope removal and disposal, and relocation of score board, as set forth in the County's Current Year Capital Budget, as amended. To the extent

that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$10,000,000. The plan of financing includes the issuance of \$10,000,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, the levy of a tax to pay the principal of and interest on said bonds and notes.

Section 2. The period of probable usefulness of said specific object or purpose, within the limitations of Section 11.00 a. 19(c) of the Law, is fifteen (15) years.

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$10,000,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$10,000,000 as the estimated total cost of the aforesaid specific object or purpose is hereby approved.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for

substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

* * *

STATE OF NEW YORK)
 : ss.:
COUNTY OF WESTCHESTER)

I HEREBY CERTIFY that I have compared the foregoing Act No. -20____ with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original Act, which was duly adopted by the County Board of Legislators of the County of Westchester on _____, 20____ and approved by the County Executive on _____, 20____.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this _____ day of _____, 20____.

(SEAL)

The Clerk and Chief Administrative Officer of the
County Board of Legislators, County of Westchester,
New York

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on _____, 20____ and approved by the County Executive on _____, 20____ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. _____-20____

BOND ACT AUTHORIZING THE ISSUANCE OF \$10,000,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE CONSTRUCTION OF IMPROVEMENTS AT THE MEMORIAL FIELD RECREATION FACILITY IN THE CITY OF MOUNT VERNON; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$10,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$10,000,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted _____, 20____)

object or purpose: to finance the construction of improvements at the Memorial Field recreation facility in the city of Mount Vernon, including additional work due to unforeseen site conditions such as rock and contaminated soil removal and disposal, additional rock drilling for the grandstand foundation, unstable rock slope removal and disposal, and relocation of score board, as set forth in the County's Current Year Capital Budget, as amended.

amount of obligations to be issued
and period of probable usefulness: \$10,000,000; fifteen (15) years

Dated: _____, 20____
White Plains, New York

The Clerk and Chief Administrative Officer of the County Board of Legislators, County of Westchester, New York

CAPITAL PROJECT FACT SHEET

Project ID:* RMF02	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 01-18-2022
Fact Sheet Year:* 2022	Project Title:* RECONSTRUCTION OF MEMORIAL FIELD MT VERNON	Legislative District ID: 13,
Category* RECREATION FACILITIES	Department:* PARKS, RECREATION & CONSERVATION	CP Unique ID: 1885

Overall Project Description

This project provides funding for the reconstruction of the 12 acre Memorial Field recreation facility located in Mt. Vernon.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies | <input checked="" type="checkbox"/> Infrastructure |
| <input type="checkbox"/> Life Safety | <input type="checkbox"/> Project Labor Agreement | <input type="checkbox"/> Revenue |
| <input type="checkbox"/> Security | <input type="checkbox"/> Other | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2022	2023	2024	2025	2026	Under Review
Gross	35,000	25,000	0	0	0	0	0	10,000
Less Non-County Shares	5,250	5,250	0	0	0	0	0	0
Net	29,750	19,750	0	0	0	0	0	10,000

Expended/Obligated Amount (in thousands) as of : 24,932

Current Bond Description: Funding is requested for additional work due to unforeseen site conditions such as rock and contaminated soil removal and disposal, additional rock drilling for the grandstand foundation, unstable rock slope removal and disposal, and relocation of score board.

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	10,000,000
Cash:	0
Total:	\$ 10,000,000

SEQR Classification:
TYPE I

Amount Requested:
10,000,000

Comments:

A Capital Budget Amendment in the amount of \$10 million (shown under review) is being requested to provide funds for additional work due to unforeseen site conditions such as extensive buried rock, debris and contaminated soil throughout the entire site which needed to be removed and disposed of properly; shallow bedrock conditions under the grandstand structure required additional rock drilling to install associated foundations; unstable rock slope was larger than anticipated and required additional removals to meet a stable rock face per engineer; the scoreboard and its infrastructure needed to be relocated to a more visible location to allow for advertising and income generating potential.

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2020	25,000,000	FUNDS THIS PROJECT

Total Appropriation History:
25,000,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
20	43	365,000		0 COST OF TENNIS COURTS CONSTRUCTION AT MEMORIAL FIELD, MT VERNON
20	44	525,000		0 PORTION OF THE COST OF SKATE PARK INSTALLATION AT MEMORIAL FIELD, MT VERNON
20	45	5,398,000		0 PORTION OF THE COST OF RUNNING TRACK AND BLEACHER SEATING INSTALLATION AT MEMORIAL FIELD, MT VERNON
20	46	5,398,000		0 PORTION OF THE COST OF SYNTHETIC TURF FIELD INSTALLATION AT MEMORIAL FIELD, MT VERNON
20	47	5,398,000		0 PORTION OF THE COST OF BUILDING CONSTRUCTIONS AT MEMORIAL FIELD, MT VERNON
21	7	2,666,000		0 RECREATIONAL IMPROVEMENTS - MEMORIAL FIELD - COURTS, SKATE PARK, TRACK, BLEACHERS

Total Financing History:

19,750,000

Recommended By:

Department of Planning
WBB4

Date
02-22-2022

Department of Public Works
RJB4

Date
02-22-2022

Budget Department
GKGA

Date
02-23-2022

Requesting Department
KUU1

Date
02-23-2022

RECONSTRUCTION OF MEMORIAL FIELD MT VERNON (RMF02)

User Department : Parks, Recreation & Conservation
Managing Department(s) : Parks, Recreation & Conservation ; Public Works ;
Estimated Completion Date: TBD
Planning Board Recommendation: Project approved in concept but subject to subsequent staff review.

FIVE YEAR CAPITAL PROGRAM (in thousands)									
	Est Ult Cost	Appropriated	Exp / Obl	2022	2023	2024	2025	2026	Under Review
Gross	25,000	25,000	24,932						
Non County Share	(5,250)	(5,250)							
Total	19,750	19,750	24,932						

Project Description

This project provides funding for the reconstruction of the 12 acre Memorial Field recreation facility located in Mt. Vernon.

Current Year Description

There is no current year request.

Impact on Operating Budget

The impact on the Operating Budget is the appropriation of Cash to Capital and the debt service associated with the issuance of bonds.

Appropriation History			
Year	Amount	Description	Status
2020	25,000,000	Funds this project	CONSTRUCTION
Total	25,000,000		

Prior Appropriations			
	Appropriated	Collected	Uncollected
Bond Proceeds	19,750,000	6,310,495	13,439,505
Federal Funds			
Funds Revenue			
State Funds	5,250,000		5,250,000
Total	25,000,000	6,310,495	18,689,505

Bonds Authorized				
Bond Act	Amount	Date Sold	Amount Sold	Balance
43 20	365,000			365,000
44 20	525,000			525,000
45 20	5,398,000			5,398,000
46 20	5,398,000			5,398,000
47 20	5,398,000			5,398,000
7 21	2,666,000			2,666,000
Total	19,750,000			19,750,000

CAPITAL PROJECT FACT SHEET

Project ID:* BLA1A	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 03-09-2022
Fact Sheet Year:* 2022	Project Title:* PARKLAND AND HISTORICAL PRESERVATION PROGRAM	Legislative District ID: 13
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* PLANNING	CP Unique ID: 1909

Overall Project Description

The Legacy Program is designed to aggressively pursue land acquisition for three major objectives. One major objective is to purchase parkland for active recreation such as baseball and soccer fields, trailways and bike paths. A key component of the ball field initiative is to partner with municipalities on the acquisition and/or development of ball fields to maximize available funding. The development of RiverWalk, the proposed promenade along the Hudson River, is a key component of the Legacy Program. A second major objective is to preserve green space, protect our County's natural habitats and protect rivers, streams and lakes. The third objective is to preserve land for historic preservation and protection of our cultural heritage. This project continues Capital Project BLA01 Parkland Acquisition/ Westchester Legacy Program. This is a general fund, specific projects are subject to a Capital Budget Amendment.

- | | | |
|--|--|---|
| <input type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies | <input type="checkbox"/> Infrastructure |
| <input type="checkbox"/> Life Safety | <input type="checkbox"/> Project Labor Agreement | <input type="checkbox"/> Revenue |
| <input type="checkbox"/> Security | <input checked="" type="checkbox"/> Other(CAPITAL BUDGET AMENDMENT ONLY) | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2022	2023	2024	2025	2026	Under Review
Gross	23,600	19,300	1,300	0	0	0	0	3,000
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	23,600	19,300	1,300	0	0	0	0	3,000

Expended/Obligated Amount (in thousands) as of : 0

Current Bond Description: Debt authorization is not being requested at this time.	
Financing Plan for Current Request:	
Non-County Shares:	\$ 0
Bonds/Notes:	0
Cash:	0
Total:	\$ 0

SEQR Classification:

N/A

Amount Requested:

0

Comments:

A capital budget amendment is being requested in the amount of -\$2,000,000 of appropriations associated with the 4th Street Playground project to be transferred to RMF02 - Memorial Field, Mt. Vernon

Energy Efficiencies:

Appropriation History:

Year	Amount	Description
2020	1,000,000	FUNDS THIS PROJECT
2021	17,000,000	LUDLOW PARK (WATER ACCESS PARK), YONKERS, \$10,000,000; 4TH STREET PLAYGROUND, MT. VERNON, \$2,000,000 AND RIVERWALKIMPROVEMENTS, YONKERS, \$5,000,000

Total Appropriation History:

18,000,000

Total Financing History:

0

Recommended By:

Department of Planning

WBB4

Date

03-15-2022

Department of Public Works

RJB4

Date

03-15-2022

Budget Department

GKGA

Date

03-15-2022

Requesting Department

WBB4

Date

03-15-2022

PARKLAND AND HISTORICAL PRESERVATION PROGRAM (BLA1A)

User Department : Planning

Managing Department(s) : Planning ;

Estimated Completion Date: TBD

Planning Board Recommendation: Project approved in concept but subject to subsequent staff review.

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2022	2023	2024	2025	2026	Under Review
Gross	24,300	18,000		1,300					5,000
Non County Share									
Total	24,300	18,000		1,300					5,000

Project Description

The Legacy Program is designed to aggressively pursue land acquisition for three major objectives. One major objective is to purchase parkland for active recreation such as baseball and soccer fields, trailways and bike paths. A key component of the ball field initiative is to partner with municipalities on the acquisition and/or development of ball fields to maximize available funding. The development of RiverWalk, the proposed promenade along the Hudson River, is a key component of the Legacy Program. A second major objective is to preserve green space, protect our County's natural habitats and protect rivers, streams and lakes. The third objective is to preserve land for historic preservation and protection of our cultural heritage. This project continues Capital Project BLA01 Parkland Acquisition/ Westchester Legacy Program. This is a general fund, specific projects are subject to a Capital Budget Amendment.

Current Year Description

The current year request funds design of Riverwalk improvements in Tarrytown.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2022		1,300,000		1,300,000

Impact on Operating Budget

The impact on the Operating Budget is the debt service associated with the issuance of bonds and the cash to capital.

Appropriation History

Year	Amount	Description	Status
2020	1,000,000	Funds this project	AWAITING BOND AUTHORIZATION
2021	17,000,000	Ludlow Park (Water Access Park), Yonkers, \$10,000,000; 4th Street Playground, Mt. Vernon, \$2,000,000 and Riverwalk Improvements, Yonkers, \$5,000,000	AWAITING BOND AUTHORIZATION
Total	18,000,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	18,000,000		18,000,000
Total	18,000,000		18,000,000

RESOLUTION NO. - 2022

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. -2022 entitled “A Local Law authorizing the County of Westchester to enter into a third amendment to an intermunicipal agreement with the City of Mount Vernon for the design and construction of improvements to Memorial Field, in order to provide for additional work to be performed by the County due to unforeseen site conditions and to increase the County’s commitment to finance the improvements to a total amount of \$40,899,000.00”. The public hearing will be held at m. on the day of , 2022 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

Dated: , 2022

White Plains, New York

PUBLIC NOTICE

NOTICE OF HEARING: A LOCAL LAW AUTHORIZING THE COUNTY OF WESTCHESTER TO ENTER INTO A THIRD AMENDMENT TO AN INTERMUNICIPAL AGREEMENT WITH THE CITY OF MOUNT VERNON FOR THE DESIGN AND CONSTRUCTION OF IMPROVEMENTS TO MEMORIAL FIELD, IN ORDER TO PROVIDE FOR ADDITIONAL WORK TO BE PERFORMED BY THE COUNTY DUE TO UNFORESEEN SITE CONDITIONS AND TO INCREASE THE COUNTY'S COMMITMENT TO FINANCE THE IMPROVEMENTS TO A TOTAL AMOUNT OF \$40,899,000.00; NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BY THE BOARD OF LEGISLATORS OF WESTCHESTER COUNTY ON THE _____ DAY OF _____, 2022 AT _____ M. IN THE CHAMBERS OF THE WESTCHESTER COUNTY BOARD OF LEGISLATORS, 8TH FLOOR, 148 MARTINE AVENUE, WHITE PLAINS, NEW YORK FOR THE PURPOSE OF HEARING PERSONS OR PARTIES INTERESTED IN THE AFOREMENTIONED THIRD AMENDMENT TO THE INTERMUNICIPAL AGREEMENT WITH THE CITY OF MOUNT VERNON.

CLERK OF THE COUNTY
BOARD OF LEGISLATORS
WESTCHESTER COUNTY, NEW YORK

Dated: _____, 2022
White Plains, New York

LOCAL LAW NO. 2022 - _____

ALOCAL LAW authorizing the County of Westchester to enter into a third amendment to an intermunicipal agreement with the City of Mount Vernon for the design and construction of improvements to Memorial Field, in order to provide for additional work to be performed by the County due to the unforeseen site conditions and to increase the County's commitment to finance the improvements to a total amount of \$40,899,000.00.

BE IT ENACTED by the County Board of Legislators of the County of Westchester as follows:

Section 1. The County of Westchester (the "County") is hereby authorized to enter into a third amendment to an intermunicipal agreement (the "IMA") with the City of Mt. Vernon (the "City") for the design and construction of improvements to Memorial Field, in order to provide for additional work to be performed by the County due to unforeseen site conditions and increase the County's commitment to finance the improvements to a total amount of \$40,899,000.00.

§2. The third amendment to the IMA shall be substantially similar to the form attached hereto as Schedule A. Except as specifically amended hereby, all terms and conditions set forth in the IMA, as previously amended, shall remain the same.

§3. The County Executive or his authorized designee is empowered to execute any and all documents necessary and appropriate to effectuate the purposes hereof.

§4. This Act shall take effect immediately.

SCHEDULE "A"

THIRD AMENDMENT TO INTERMUNICIPAL AGREEMENT

THIS **THIRD AMENDMENT** made this day of , 2022 by and

between:

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601 (hereafter the "County")

and

THE CITY OF MOUNT VERNON, a municipal corporation of the State of New York, having an office and place of business located at 1 Roosevelt Square, MountVernon, New York 10550 (hereafter the "City")

WITNESSETH:

WHEREAS, on December 24, 2008, the County and the City executed an agreement (the "Agreement") whereby the County agreed to assist in funding certain improvements to City-owned property known as Memorial Field located on Sandford Boulevard in the City and consisting of approximately twelve (12) acres (the "Property"); and

WHEREAS, the improvements to the Property were to include but not be limited to the design, permitting, construction management and construction of an illuminated synthetic turf football/soccer field; a natural turf illuminated soccer field; grandstands for 4,000 people; all-weather track; illuminated basketball court; new buildings to include a ticket booth, concession stand, bathrooms, press box with restroom and elevator, service building and locker rooms; replacement of concrete sidewalk; installation of chain link fencing; and associated infrastructure, site-work and landscaping, and other associated equipment and appurtenances as more particularly described in plans and specifications approved by the County Commissioner of Parks, Recreation and Conservation or the Commissioner's duly authorized designee (the "Project"); and

WHEREAS, pursuant to the Agreement, the City was responsible for completing the improvements in accordance with County-approved plans but has failed to do so; and

WHEREAS, the City constructed tennis courts which encroach on the area where the Project is to be constructed and

WHEREAS, the County paid the City \$3,400,000 comprised of \$1,300,000 for design and \$2,100,000 for 25% of construction, and the City currently holds \$700,000 in County funds; and

WHEREAS, the City permitted construction debris to be dumped on the Property, resulting in a New York State Department of Environmental Conservation (“NYSDEC”) Consent Order requiring the City to remediate; and

WHEREAS, the parties entered into a First Amendment dated December 5, 2018, whereby the County agreed to assume responsibility for constructing the Project after the City has remediated the Property to the full satisfaction of NYSDEC and the County; and

WHEREAS, the parties entered into a Second Amendment dated November 18, 2021, in order to revise the description of the improvements, specify that the term of the agreement will continue until the expiration of any County bonds issued in connection with the improvements, and increase to \$29,602,000.00 the County’s commitment to finance the improvements; and

WHEREAS, the parties desire to further amend the IMA in order to provide for additional work to be performed by the County due to unforeseen site conditions and increase to \$40,899,000.00 the County’s commitment to finance the improvements; and

NOW, THEREFORE, in consideration of the terms and conditions herein contained, the parties agree as follows:

1. The Agreement is amended to provide for additional work to be performed by the County due to unforeseen site conditions including: shallow bedrock which required additional rock drilling; debris and contaminated soil discovered throughout the site, which required proper removal and disposal; and unstable rock slope which required larger than anticipated rock removal to meet a stable rock face for the grandstand foundation. In addition, the project required design changes resulting from the unforeseen site conditions, including changes to the building foundations and a redesign of the drainage system. Further, it became necessary to relocate the scoreboard and its infrastructure to a more visible location than was originally shown on the plans to allow for advertising and income generating potential for the City.

2. The first paragraph of Section 2.2 of the Agreement is deleted and replaced by the following:

In exchange for the Property being open to all County residents, the County agrees to finance the design, permitting, construction management and construction of the Project in a total amount not to exceed FORTY MILLION EIGHT HUNDRED NINETY NINE THOUSAND DOLLARS (\$40,899,000.00). Should the Project costs exceed that amount, the Municipality shall be solely responsible for any additional amount.

3. Section 3.0 of the Agreement is deleted and replaced with the following:

Section 3.0. Subject to the terms and conditions of Section 2.0, the Municipality hereby leases to the County the exclusive right to use and occupy the Property for the purposes of issuing bonds to finance the design and construction of the Project. It is also recognized and understood that the County’s sole responsibility shall be to provide an amount not to exceed FORTY MILLION

EIGHT HUNDRED NINETY NINE THOUSAND DOLLARS (\$40,899,000.00). toward the design and construction of the Project, and the Municipality shall assume all other responsibilities for all other costs and expenses relating to the Project and the Property.

4. Except as otherwise provided herein all other terms and conditions of the Agreement, as amended, shall remain in full force and effect.

5. This Third Amendment shall not be enforceable until signed by both parties and approved by the Office of the County Attorney.

IN WITNESS WHEREOF, the parties hereto have executed this Third Amendment on the day and year first above written.

THE COUNTY OF WESTCHESTER

By: _____

CITY OF MOUNT VERNON

By: _____

Authorized and approved by the Westchester County Board of Legislators, at a meeting duly held on the ___ day of _____, 2022 by Local Law No. _____-2022.

Authorized and approved by the City Council of the City of Mount Vernon, at a meeting duly held on the ___ day of _____, 2022.

Approved:

Associate County Attorney
County of Westchester
Vutera/PRC/126229/IMA 3rd amendment Memorial Field 3-16-2022

CITY'S ACKNOWLEDGEMENT

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

On this ____ day of _____, 2022, before me personally came _____,
to me known, and known to me to be the _____ of _____
_____, the municipal corporation described in and which executed the within
instrument, who being by me duly sworn did depose and say that he/she, the said _____
_____ resides at _____ and that he/she is the
_____ of said municipal corporation.

Notary Public County

DRAFT

CERTIFICATE OF AUTHORITY

(City)

I, _____, certify that I am the
(Officer other than officer signing contract)

_____ of the _____
(Title) (Name of City)

(the "City") a corporation duly organized in good standing under the _____

_____ *(Law under which organized, e.g., the New York Village Law, Town Law, General Municipal Law)*

named in the foregoing agreement that _____ who signed said
(Person executing agreement)

agreement on behalf of the City was, at the time of execution _____ of
(Title of such person),

the City, that said agreement was duly signed for on behalf of said City by

authority of its _____ thereunto duly authorized,
(Town Board, Village Board, City Council)

and that such authority is in full force and effect at the date hereof.

(Signature)

STATE OF NEW YORK)
 ss.:
COUNTY OF WESTCHESTER)

On this ___ day of _____, 2022, before me personally came _____
_____ whose signature appears above, to me known, and know to be the
_____ of _____,

(Title)

the municipal corporation described in and which executed the above certificate, who being by
me duly sworn did depose and say that he, the said _____

resides at _____, and that

he/she is the _____ of said municipal corporation.

(Title)

Notary Public County



George Latimer
County Executive

March 9, 2022

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Members of the Board of Legislators:

Transmitted herewith for your review and approval is a bond act (the "Bond Act"), which, if adopted, would authorize the County of Westchester (the "County") to issue up to \$18,697,000 in bonds of the County to finance the following capital project:

RP02A – Ice Casino Improvements II ("RP02A").

The Bond Act, in the amount of \$18,697,000, would fund the cost of design, construction and construction management for the first phase of the building improvements for the Ice Casino at Rye Playland. The Bond Act will also fund the cost of design of the second phase of the building improvements for the Ice Casino at Rye Playland.

The Department of Parks, Recreation & Conservation (the "Department") has advised that the improvements to the Ice Casino will be accomplished over two phases. Phase one will include structural rehabilitation of the facility's second floor Studio Rink, replacement of roofing over the Studio Rink along with associated mechanical, electrical and ADA improvements. The first phase of the project will also include the historic restoration of the building's front façade. Phase two will include rehabilitation of the facility's locker room wing, replacement of roofing over the locker rooms along with associated mechanical, electrical and ADA improvements. The second phase will also include the rehabilitation of the building's rear and side façades. Both phases will address energy saving lighting and mechanical equipment systems.

The Department has advised that the Ice Casino is an integral contributing historic element of Playland Park and helps define Playland's landmark status. Furthermore, the structure is in dire need of exterior restoration along with structural, weather tightness and mechanical rehabilitation and upgrades in order to continue to serve the public.

It should be noted that in addition to the Bond Act, the County is expected to receive \$350,000 in Federal COVID-19 grant funding for this project.

Following bonding authorization, design will be scheduled and is anticipated to take six (6) months to complete and will be performed by outside consultants. It is estimated that construction will take fourteen (14) months to complete and will begin after award and execution of the construction contracts.

The Planning Department has advised that based on its review, the above-referenced capital project has been classified as a "Type II" action pursuant to the State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6 NYCRR Part 617. Therefore, no further environmental review is required. As you know, your Honorable Board may use such expert advice to reach its own conclusion.

Based on the importance of this capital project to the County, favorable action on the annexed proposed Acts is respectfully requested.

Sincerely,

A handwritten signature in cursive script, appearing to read "George Latimer".

George Latimer
County Executive

GL/KOC/KU/jpg
Attachments

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER, NEW YORK**

Your Committee is in receipt of a transmittal from the County Executive recommending approval of a bond act (the “Bond Act”) which, if adopted, would authorize the County of Westchester (the “County”) to issue up to \$18,697,000 in bonds of the County to finance capital project RP02A – Ice Casino Improvements II (“RP02A”).

Your Committee is advised that the Bond Act, prepared by the law firm of Hawkins Delafield and Wood, LLP, would fund the cost of design, construction and construction management for the first phase of the building improvements for the Ice Casino at Rye Playland. The Bond Act will also fund the cost of design of the second phase of the building improvements for the Ice Casino at Rye Playland.

The Department of Parks, Recreation & Conservation (the “Department”) has advised that the improvements to the Ice Casino will be accomplished over two phases. Phase one will include structural rehabilitation of the facility’s second floor Studio Rink, replacement of roofing over the Studio Rink along with associated mechanical, electrical and ADA improvements. The first phase of the project will also include the historic restoration of the building’s front façade. Phase two will include rehabilitation of the facility’s locker room wing, replacement of roofing over the locker rooms along with associated mechanical, electrical and ADA improvements. The second phase will also include the rehabilitation of the building’s rear and side façades. Both phases will address energy saving lighting and mechanical equipment systems.

Your Committee is advised that the Ice Casino is an integral contributing historic element of Playland Park and helps define Playland’s landmark status. Furthermore, the structure is in dire need of exterior restoration along with structural, weather tightness and mechanical rehabilitation and upgrades in order to continue to serve the public.

Your Committee is advised that in addition to the Bond Act, the County is expected to receive \$350,000 in Federal COVID-19 grant funding for this project.

Following bonding authorization, design will be scheduled and is anticipated to take six (6) months to complete and will be performed by outside consultants. It is estimated that construction will take fourteen (14) months to complete and will begin after award and execution of the construction contracts.

The Planning Department has advised your Committee that based on its review, the above-referenced capital project has been classified as a Type “II” action pursuant to the State Environmental Quality Review Act (“SEQR”) and its implementing regulations, 6 NYCRR Part 617. Therefore, no further environmental review is required. Your Committee has reviewed the annexed SEQR documentation and concurs with this conclusion.

Your Committee is advised that an affirmative vote of two-thirds of the members of this Honorable Board is required in order to adopt the related Bond Act.

Your Committee has carefully considered the proposed Bond Act and recommends approval thereof.

Dated: _____, 2022
White Plains, New York

COMMITTEE ON

s.jpg/02-03-2022

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: RP02A

NO FISCAL IMPACT PROJECTED

SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

Source of County Funds (check one):

Current Appropriations

Capital Budget Amendment

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 18,697,000 PPU 15 Anticipated Interest Rate 1.72%

Anticipated Annual Cost (Principal and Interest): \$ 1,418,094

Total Debt Service (Annual Cost x Term): \$ 21,271,410

Finance Department: Interest rates from February 28, 2022 Bond Buyer - ASBA

SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations

(describe in detail for current and next four years):

SECTION D - EMPLOYMENT

As per federal guidelines, each \$92,000 of appropriation funds one FTE Job

Number of Full Time Equivalent (FTE) Jobs Funded: 203

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

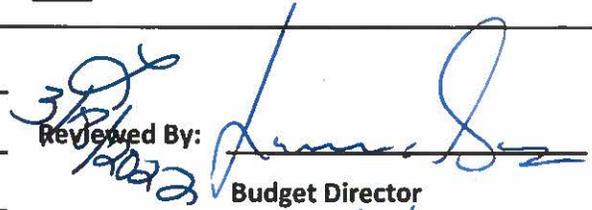
Not Applicable

Prepared by: Ken Uhle

Title: Program Coord. Capital Planning PRC

Department: DPW&T

Date: 3/4/22

Reviewed By: 

Budget Director

Date: 3/8/22

TO: Michelle Greenbaum, Senior Assistant County Attorney
Jeffrey Goldman, Senior Assistant County Attorney

FROM: David S. Kvinge, AICP, RLA, CFM 
Assistant Commissioner

DATE: March 2, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR CAPITAL PROJECT:
RP02A ICE CASINO IMPROVEMENTS II**

PROJECT/ACTION: Per Capital Project Fact Sheet as approved by the Planning Department on 02-01-2022 (Unique ID: 1832)

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required for the proposed action, because the project or component of the project for which funding is requested may be classified as a **TYPE II action** pursuant to section(s):

- **617.5(c)(2):** replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part.
-

COMMENTS: None.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Tami Altschiller, Assistant Chief Deputy County Attorney
Kathleen O'Connor, Commissioner of Parks, Recreation & Conservation
Peter Tartaglia, First Deputy Commissioner, Dept. of Parks, Recreation & Conservation
Gideon Grande, Deputy Budget Director
Lorraine Yazzetta, Associate Budget Analyst
Anthony Zaino, Assistant Commissioner
William Brady, Chief Planner
Michael Lipkin, Associate Planner
Claudia Maxwell, Associate Environmental Planner

ACT NO. - 20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$18,697,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COUNTY'S SHARE OF THE DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT OF THE STUDIO RINK PROJECT AT THE ICE CASINO AT PLAYLAND AND FOR THE DESIGN OF THE GENERAL BUILDING IMPROVEMENT PROJECT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$19,047,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$18,697,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND THE APPLICATION OF \$350,000 EXPECTED TO BE RECEIVED FROM THE UNITED STATES OF AMERICA TO BE EXPENDED FOR SUCH PURPOSE OR REDEMPTION OF THE COUNTY'S OBLIGATIONS ISSUED THEREFOR, OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted , 20__)

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Board), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law"), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and to the provisions of other laws applicable thereto, \$18,697,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the County's share of the design, construction and construction management of the studio rink project at the Ice Casino at Playland and for the design of the general building improvement project, all as set forth in the County's Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof is \$19,047,000. The plan of

financing includes the issuance of \$18,697,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, the levy of a tax to pay the principal of and interest on said bonds and notes, and the application of \$350,000 expected to be received from the United State of America to be expended towards the cost of said object or purpose or redemption of the County's obligations issued therefor, or to be budgeted as an offset to the taxes for the payment of the principal of and interest on said bonds.

Section 2. The period of probable usefulness of the specific object or purpose for which the \$18,697,000 bonds authorized by section 1 of this Act are to be issued, within the limitations of Section 11.00 a.19(c) of the Law, is fifteen (15) years.

Section 3. Current funds are not required to be provided as a down payment pursuant to Section 107.00 d. 9. of the Law prior to issuance of the bonds authorized herein, or any bond anticipation notes issued in anticipation of the sale of such bonds. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Act, in the maximum amount of \$18,697,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$19,047,000 as the estimated total cost of the aforesaid object or purpose is hereby approved.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation

of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

* * *

STATE OF NEW YORK)
 : ss.:
COUNTY OF WESTCHESTER)

I HEREBY CERTIFY that I have compared the foregoing Act No. -20__ with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original Act, which was duly adopted by the County Board of Legislators of the County of Westchester on _____, 20__ and approved by the County Executive on _____, 20__.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this day of _____, 20__.

Clerk and Chief Administrative Officer of the County Board of Legislators of the County of Westchester, New York

(SEAL)

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on _____, 20___, and approved by the County Executive on _____, 20___, and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution.

Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. _____-20___

BOND ACT AUTHORIZING THE ISSUANCE OF \$18,697,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COUNTY'S SHARE OF THE DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT OF THE STUDIO RINK PROJECT AT THE ICE CASINO AT PLAYLAND AND FOR THE DESIGN OF THE GENERAL BUILDING IMPROVEMENT PROJECT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$19,047,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$18,697,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND THE APPLICATION OF \$350,000 EXPECTED TO BE RECEIVED FROM THE UNITED STATES OF AMERICA TO BE EXPENDED FOR SUCH PURPOSE OR REDEMPTION OF THE COUNTY'S OBLIGATIONS ISSUED THEREFOR, OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS. (Adopted _____, 20___)

object or purpose: to finance the cost of the County's share of the design, construction and construction management of the studio rink project at the Ice Casino at Playland and for the design of the general building improvement project, all as set forth in the County's Current Year Capital Budget, as amended

amount of obligations to be issued and period of probable usefulness: \$18,697,000; fifteen (15) years

Dated: _____, 20___
White Plains, New York

Clerk and Chief Administrative Officer of the County Board of Legislators of the County of Westchester, New York

CAPITAL PROJECT FACT SHEET

Project ID:* RP02A	<input type="checkbox"/> CBA	Fact Sheet Date:* 01-03-2022
Fact Sheet Year:* 2022	Project Title:* ICE CASINO IMPROVEMENTS II	Legislative District ID: 7,
Category* PLAYLAND	Department:* PARKS, RECREATION & CONSERVATION	CP Unique ID: 1832

Overall Project Description

The project funds the rehabilitation of the Ice Casino.

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Best Management Practices | <input checked="" type="checkbox"/> Energy Efficiencies | <input checked="" type="checkbox"/> Infrastructure |
| <input checked="" type="checkbox"/> Life Safety | <input type="checkbox"/> Project Labor Agreement | <input type="checkbox"/> Revenue |
| <input type="checkbox"/> Security | <input type="checkbox"/> Other | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2022	2023	2024	2025	2026	Under Review
Gross	37,870	3,300	16,000	18,570	0	0	0	0
Less Non-County Shares	350	0	350	0	0	0	0	0
Net	37,520	3,300	15,650	18,570	0	0	0	0

Expended/Obligated Amount (in thousands) as of : 601

Current Bond Description: This request will fund design, construction and construction management for the studio rink project and for the design of the general building improvement project.	
Financing Plan for Current Request:	
Non-County Shares:	\$ 350,000
Bonds/Notes:	18,697,000
Cash:	0
Total:	\$ 19,047,000

SEQR Classification:

TYPE II

Amount Requested:

18,697,000

Comments:

The non-county shares represent Federal funds received for HVAC mitigation for Covid-19.

Energy Efficiencies:

ALL MECHANICAL SYSTEMS AND LIGHTING WILL BE LOOKED AT FOR THE LATEST EFFICIENT TECHNOLOGIES.

Appropriation History:

Year	Amount	Description
2008	300,000	DESIGN STUDIO RINK
2010	3,000,000	CONSTRUCTION
2022	16,000,000	DESIGN, CONSTRUCTION AND CONSTRUCTION MANAGEMENT

Total Appropriation History:

19,300,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
08	E-204	-69,000	0	
08	204	300,000	230,533	DESIGN OF REHAB. OF ICE CASINO AT PLAYLAND

Total Financing History:

231,000

Recommended By:

Department of Planning
WBB4

Date
02-01-2022

Department of Public Works
RJB4

Date
02-01-2022

Budget Department
LMYI

Date
02-02-2022

Requesting Department
KUU1

Date
02-02-2022

ICE CASINO IMPROVEMENTS II (RP02A)

User Department : Parks, Recreation & Conservation
Managing Department(s) : Parks, Recreation & Conservation ; Planning ; Public Works ;
Estimated Completion Date: TBD
Planning Board Recommendation: Project has historical implications. Project approved in concept but subject to subsequent staff review.

FIVE YEAR CAPITAL PROGRAM (in thousands)									
	Est Ult Cost	Appropriated	Exp / Obl	2022	2023	2024	2025	2026	Under Review
Gross	37,870	3,300	601	16,000	18,570				
Non County Share	(350)			(350)					
Total	37,520	3,300	601	15,650	18,570				

Project Description

The project funds the rehabilitation of the Ice Casino.

Current Year Description

The current year request funds design, construction and construction management for the studio rink and design of general building improvements. The non-county shares represent Federal Funds received for HVAC mitigation for COVID-19.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2022	15,650,000		350,000	16,000,000

Impact on Operating Budget

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

Appropriation History

Year	Amount	Description	Status
2008	300,000	Design Studio Rink	DESIGN
2010	3,000,000	Construction	AWAITING BOND AUTHORIZATION
Total	3,300,000		

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	3,300,000	230,534	3,069,466
Total	3,300,000	230,534	3,069,466

**ICE CASINO IMPROVEMENTS II
(RPO2A)**

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
204 08	300,000	11/19/15	183,066	69,466
		11/19/15	1,934	
		11/19/15	879	
		12/15/17	44,495	
		12/15/17	160	
E-204 08	(69,000)			(69,000)
Total	231,000		230,534	466

George Latimer
County Executive

March 23, 2022

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

As your Honorable Board is aware, to encourage the development of affordable housing that will affirmatively further fair housing (“AFFH”) in Westchester County (the “County”), the County has established Housing Implementation Fund II (“HIF” or “Capital Project BPL1A”) to provide funds to assist in the construction of infrastructure improvements.

The Department of Planning (“Planning”) has advised that La Mora, Limited Liability Company, its successors or assigns, (collectively, the “Developer”) propose to construct 60 rental units in one building on the approximately +/- 0.8-acre site at 23 Mulberry Street in the City of Yonkers, (the “Property”). All 60 rental units will be available to eligible senior households where all members are over the age of 62 that earn at or below 30% and up to 60% of the Westchester County area median income (“AMI”) and will all remain affordable for a period of not less than 50 years (the “Affordable AFFH Units”). The Affordable AFFH Units are expected to include 57 one-bedroom, and 3 two-bedroom units. The building will also include a community room lounge with connected outdoor space, outdoor rooftop patio, management office and laundry facilities on each floor. Also included will be the construction of 30 on-grade parking spaces. Together, the building and the parking comprise the “Development.” The Developer is requesting an amount not to exceed \$3,500,000 to be used for infrastructure improvements that include, but will not be limited to, on-site and street paving, curbing, sidewalks, storm water detention, drainage systems, sanitary sewer system, water lines, lighting, signage, landscaping, construction management and County administrative costs.

Planning has advised that the Property is currently owned by the Municipal Housing Authority for the City of Yonkers (“MHACY”). MHACY will lease the land for the building to the Developer for 99 years for \$1 per year.

Transmitted herewith for your review and approval, please find the following two Acts:

Inter-Municipal Developer Agreement Act. An Act (the “IMDA Act”) which will authorize the County to enter into an Inter-Municipal Developer Agreement (the “IMDA”) with the City of
Office of the County Executive

Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Telephone: (914)995-2900 E-mail: ceo@westchestergov.com



Yonkers (the “City”) and the Developer, its successors or assigns, to finance the construction of the infrastructure improvements including, but not limited to, on-site and street paving, curbing, sidewalks, storm water detention, drainage systems, sanitary sewer system, water lines, lighting, signage, landscaping, construction management and County administrative costs (the “Infrastructure Improvements”) in support of the Affordable AFFH Units as part of the County’s program to ensure the development of new affordable housing. The term of the IMDA will be fifteen years (commensurate with the period of probable usefulness of the HIF bonds as described herein). The IMDA will provide that the City and/or the Developer, its successors or assigns, will be responsible for all costs of operation and maintenance of the Infrastructure Improvements. The IMDA will require the Developer, as a condition of the County’s financing of the Infrastructure Improvements, to record a declaration of restrictive covenants approved by, and enforceable by, the County which will run with the land and bind the Property and any successor(s) in interest and will require that the Affordable AFFH Units be maintained and marketed in accordance thereto for a period of not less than fifty years.

Construction Financing. A Bond Act (the “HIF Bond Act”) prepared by the firm of Hawkins, Delafield and Wood, LLP, to authorize the issuance of bonds of the County in an amount not-to-exceed \$3,500,000 as a part of Capital Project BPL1A to finance the Infrastructure Improvements for the Development. Planning has advised that subject to the approval of your Honorable Board, the HIF Bond Act will authorize an amount not to exceed \$3,500,000 (the “County Funds”) for the Infrastructure Improvements, which includes costs to cover the County’s legal fees and staff costs.

Planning has advised that the authorization of your Honorable Board is required to accept all necessary property rights required to construct the Infrastructure Improvements. The County will have an ownership interest in the Infrastructure Improvements through an easement until the expiration of the term of the HIF bonds, as described herein. However, the County will not be responsible for any costs related to the operation and maintenance of the Infrastructure Improvements.

Planning has further advised that additional funding for the Development is anticipated to be provided through a New York State Housing Finance Agency (“HFA”) first mortgage, New York State Homes and Community Renewal (“HCR”) Subsidy Public Housing Preservation Fund, Federal Low Income Housing Tax Credits, Yonkers HOME, and MHACY for an estimated total cost of approximately \$42.8 Million.

On March 1, 2022, the Westchester County Planning Board (the “Planning Board”) adopted Resolution No. 22-06 to recommend funding to finance the Infrastructure Improvements on the Property. The Planning Board Resolution has been annexed hereto.

As your Honorable Board is aware, no action may be taken with regard to the proposed legislation until the requirements of the State Environmental Quality Review Act (“SEQRA”) have been met. The Planning Department has advised that the City of Yonkers Planning Board classified this project as an Unlisted action. On December 9, 2021, the City Planning Board issued a notice of intent to serve as lead agency and circulated Part 1 of a Full Environmental

Assessment Form. On January 12, 2022, the City Planning Board issued a Negative Declaration for the project. Since the City undertook coordinated review and the County of Westchester was included as an involved agency, then, in accordance with section 617.6(b)(3), no further environmental review is required by the County.

Based on the importance of increasing the number of Affordable AFFH Units in the County, your favorable action on the annexed Acts is respectfully requested.

Sincerely,

A handwritten signature in cursive script, appearing to read "George Latimer".

George Latimer
County Executive

Attachments
GL/NAD/DI

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Executive recommending the adoption of two Acts in connection with “Capital Project BPL1A – Housing Implementation Fund II.”

As your Honorable Board is aware, to encourage the development of affordable housing that will affirmatively further fair housing (“AFFH”) in Westchester County (the “County”), the County has established a Housing Implementation Fund II (“HIF” or “Capital Project BPL1A”) to provide funds to assist in the construction of infrastructure improvements.

The Department of Planning (“Planning”) has advised your Committee that La Mora, LLC, its successors or assigns (the “Developer”) propose to construct one building with 60 rental units on the approximately +/- 0.80-acre site at 23 Mulberry Street, in the City of Yonkers (the “Property”). All 60 rental units will be available to eligible senior households where all members are over the age of 62 that earn at or below 30% and up to 60% of the Westchester County area median income (“AMI”), and will all remain affordable for a period of not less than 50 years (the “Affordable AFFH Units”). The Affordable AFFH Units are expected to include 57 one-bedroom, and 3 two-bedroom units. The building will also include a community room with connected outdoor space, outdoor rooftop patio, management office and laundry facilities on each floor. Also included will be the construction of 30 on-grade parking spaces. Together, the building and the parking comprise the “Development.” The Developer is requesting an amount not to exceed \$3,500,000 to be used for infrastructure improvements that include, but will not be limited to, on-site and street paving, curbing, sidewalks, storm water detention, drainage systems, sanitary sewer system, water lines, lighting, signage, landscaping, construction management and County administrative costs.

Planning has advised your Committee that the Property is currently owned by the Municipal Housing Authority for the City of Yonkers (“MHACY”). MHACY will lease the land

for the building to the Developer for 99 years for \$1 per year.

Transmitted herewith for your review and approval, please find the following two Acts:

Inter-Municipal Developer Agreement Act. An Act (the “IMDA Act”) which will authorize the County to enter into an Inter-Municipal Developer Agreement (the “IMDA”) with the City of Yonkers (the “City”) and the Developer, its successors or assigns, to finance the construction of the infrastructure improvements including, but not limited to, on-site and street paving, curbing, sidewalks, storm water detention, drainage systems, sanitary sewer system, water lines, lighting, signage, landscaping, construction management and County administrative costs (the “Infrastructure Improvements”) in support of the Affordable AFFH Units as part of the County’s program to ensure the development of new affordable housing. The term of the IMDA will be fifteen years (commensurate with the period of probable usefulness of the HIF bonds as described herein). The IMDA will provide that the City and/or the Developer, its successors, or assigns, will be responsible for all costs of operation and maintenance of the Infrastructure Improvements. The IMDA will require the Developer, as a condition of the County’s financing of the Infrastructure Improvements, to record a declaration of restrictive covenants approved by, and enforceable by, the County which will run with the land and bind the Property and any successor(s) in interest and will require that the Affordable AFFH Units be maintained and marketed in accordance thereto for a period of not less than fifty.

Construction Financing. A Bond Act (the “HIF Bond Act”) prepared by the firm of Hawkins, Delafield and Wood, LLP, to authorize the issuance of bonds of the County in an amount not-to-exceed \$3,500,000 as a part of Capital Project BPL1A to finance the Infrastructure Improvements for the Development. Planning has advised that subject to the approval of your Honorable Board, the HIF Bond Act will authorize an amount not to exceed \$3,500,000 (the “County Funds”) for the Infrastructure Improvements which includes costs to cover the County’s legal fees and staff costs.

Planning has advised your Committee that your Honorable Board’s authorization is

required to accept all necessary property rights required to construct the Infrastructure Improvements. The County will have an ownership interest in the Infrastructure Improvements through easements until the expiration of the term of the HIF bonds, as described herein. However, the County will not be responsible for any costs related to the operation and maintenance of the Infrastructure Improvements.

Planning has further advised your Honorable Board that additional funding for the Development is anticipated to be provided through a New York State Housing Finance Agency (“HFA”) first mortgage, New York State Homes and Community Renewal (“HCR”) Subsidy Public Housing Preservation Fund, Federal Low Income Housing Tax Credits, Yonkers HOME and MHACY for an estimated total cost of approximately \$42.8 Million.

Your Committee has been advised that on March 1, 2022, the Westchester County Planning Board (the “Planning Board”) adopted Resolution No. 22-06 to recommend funding to finance the Infrastructure Improvements on the Property. The Planning Board Resolution has been annexed hereto.

As your Honorable Board is aware, no action may be taken with regard to the proposed legislation until the requirements of the State Environmental Quality Review Act have been met. The Planning Department has advised the City of Yonkers Planning Board classified this project as an Unlisted action. On December 9, 2021, the City Planning Board issued a notice of intent to serve as lead agency and circulated Part 1 of a Full Environmental Assessment Form. On January 12, 2022, the City Planning Board issued a Negative Declaration for the project. Since the City undertook coordinated review and the County was included as an involved agency, then, in accordance with section 617.6(b)(3), no further environmental review is required by the County.

Based on the foregoing, your Committee believes that the Acts are in the best interest of the County and therefore recommends their adoption, noting that the IMDA Act requires no more than an affirmative vote of the majority of the Board, while the HIF Bond Act requires the

affirmative vote of two-thirds of your Honorable Board.

Dated: _____, 2022
White Plains, New York

C/I/3.16.22

COMMITTEE ON

FISCAL IMPACT STATEMENT

CAPITAL PROJECT #: BPL1A

NO FISCAL IMPACT PROJECTED

SECTION A - CAPITAL BUDGET IMPACT

To Be Completed by Budget

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

Source of County Funds (check one):

Current Appropriations

Capital Budget Amendment

SECTION B - BONDING AUTHORIZATIONS

To Be Completed by Finance

Total Principal \$ 3,500,000 PPU 15 Anticipated Interest Rate 1.83%

Anticipated Annual Cost (Principal and Interest): \$ 267,606

Total Debt Service (Annual Cost x Term): \$ 4,014,090

Finance Department: Interest rates from March 9, 2022 Bond Buyer - ASBA

SECTION C - IMPACT ON OPERATING BUDGET (exclusive of debt service)

To Be Completed by Submitting Department and Reviewed by Budget

Potential Related Expenses (Annual): \$ -

Potential Related Revenues (Annual): \$ -

Anticipated savings to County and/or impact of department operations
(describe in detail for current and next four years):

SECTION D - EMPLOYMENT

As per federal guidelines, each \$92,000 of appropriation funds one FTE Job

Number of Full Time Equivalent (FTE) Jobs Funded: N/A

SECTION E - EXPECTED DESIGN WORK PROVIDER

County Staff

Consultant

Not Applicable

Prepared by: Norma V. Drummond

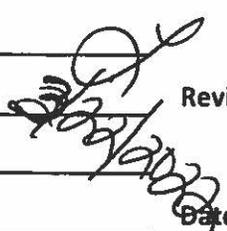
Title: Commissioner

Department: Planning

Date: 3/21/22

Reviewed By: 

Dpty Budget Director

Date:  3/22/22

TO: Leonard Gruenfeld, Program Administrator
Division of Housing & Community Development

FROM: David S. Kvinge, AICP, RLA, CFM 
Assistant Commissioner

DATE: March 9, 2022

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR
BPL1A HOUSING IMPLEMENTATION FUND II
23 MULBERRY STREET, YONKERS**

Pursuant to your request, Environmental Planning staff has reviewed the above referenced project with respect to the State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617 (SEQR).

The action involves the provision of County funding under capital project BPL1A - Housing Implementation Fund II (ID #1901) - to facilitate the development of affordable senior housing at 23 Mulberry Street in the City of Yonkers. County funds will be applied towards the cost of certain infrastructure improvements to support the creation of approximately 60 units of affordable rental housing. The project will include the construction of a new 4-story building and approximately 30 parking spaces.

In accordance with SEQR, the City of Yonkers Planning Board classified this project as an Unlisted action. On December 9, 2021, the Yonkers Planning Board circulated a notice of intent to serve as lead agency, along with Part 1 of a Full Environmental Assessment Form. On January 12, 2022, the Yonkers Planning Board issued a Negative Declaration for the project. Since the City undertook coordinated review and the County of Westchester was included in the coordinated review process, then, in accordance with section 617.6(b)(3), no further environmental review is required by the County.

Please do not hesitate to contact me if you have any questions regarding this matter.

DSK/cnm

cc: Norma Drummond, Commissioner
Blanca Lopez, Deputy Commissioner
William Brady, Chief Planner
Claudia Maxwell, Associate Environmental Planner

RESOLUTION 22- 06

WESTCHESTER COUNTY PLANNING BOARD

**Housing Implementation Fund II
Capital Project Funding Request
23 Mulberry Street, City of Yonkers**

WHEREAS, the County has established Capital Project BPL1A Housing Implementation Fund II (“HIF”) to assist municipalities with the cost of construction of public infrastructure improvements associated with the development of fair and affordable housing; and

WHEREAS, The Mulford Corporation and the Municipal Housing Authority for the City of Yonkers (collectively the “Developer”), its successors or assigns, desires to develop the real property located at 23 Mulberry Street in the City of Yonkers (the “City”), identified on the City tax maps as Section 2; Block 2062; Lot 25 (the “Property”) to create 60 affordable residential rental units in one building which will affirmatively further fair housing (“AFFH”, collectively the “Affordable AFFH Units”);

WHEREAS, the Developer desires the County to fund infrastructure improvements to support the construction of 23 Mulberry Street, a four-story building, with 60 affordable residential rental units and 30 parking spaces (the “Development”); and

WHEREAS, the 60 rental units will be available to senior households, aged 62 or over, who earn at or below 30% and up to 60% of Westchester County’s Area Median Income (“AMI”); and

WHEREAS, the Affordable AFFH Units will be leased to eligible senior households pursuant to an approved Affirmative Fair Housing Marketing Plan and remain affordable for a minimum of 50 years; and

WHEREAS, a not to exceed amount of \$3,500,000 is requested from Capital Project BPL1A Housing Implementation Fund II to fund eligible expenses that include, but will not be limited to, on-site and off-site paving, curbing, sidewalks, storm water detention, drainage systems, sanitary sewer system, water lines, lighting, signage, landscaping, construction management and county administrative costs; and

WHEREAS, the Development is proposed to include green technology such as solar panels, Energy Star appliances, water conserving fixtures and lighting sensors and timers to maximize energy efficiency, reduce heating and cooling costs and conserve natural resources; and

WHEREAS, the Development is subject to approvals by the City of Yonkers; and

WHEREAS, the funding to support the development of the Affordable AFFH Units is consistent with and reinforces *Westchester 2025 – Policies to Guide County Planning*, the County Planning Board’s adopted long-range land use and development policies, by contributing to the

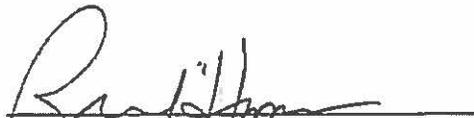
development of “a range of housing types” “affordable to all income levels;” and

WHEREAS, the staff of the County Department of Planning have reviewed the proposal and recommend the requested funding associated with the construction of the infrastructure improvements; and

RESOLVED, that the Westchester County Planning Board after completing a review of the physical planning aspects of the Development, supports the request to provide a not to exceed amount of \$3,500,000 for infrastructure improvements for the Development under the terms of the HIF Program, which will support the creation of 60 Affordable AFFH Units which will be available to senior households, aged 62 or over, who earn at or below 30% and up to 60% of AMI and 30 parking spaces, located at 23 Mulberry Street in the City of Yonkers. Although, the Westchester County Planning Board supports the request for County Funding to develop new affordable housing opportunities, the Westchester County Planning Board also wishes to note its displeasure with the high construction costs of the Development. In addition, a review by staff of Westchester County Planning Board referral records found that the site plan may not have been properly referred to the Westchester County Planning Board to review, as is required under general municipal law. The referral would have been the appropriate time for the Westchester County Planning Board to recommend site plan revisions. The Westchester County Planning Board notes disappointment in not being able to help shape the site plan through this process; and

RESOLVED, that the Westchester County Planning Board amends its report on the 2022 Capital Project Requests to include 23 Mulberry Street in the City of Yonkers, as a new component project in Capital Project BPL1A under the heading of Buildings, Land and Miscellaneous.

Adopted this 1st day of March 2022.


Richard Hyman, Chair

ACT NO. -20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$3,500,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF INFRASTRUCTURE IMPROVEMENTS ASSOCIATED WITH THE CONSTRUCTION OF AFFORDABLE HOUSING UNITS ON PROPERTY LOCATED AT 23 MULBERRY STREET, IN THE CITY OF YONKERS, IN ORDER TO AFFIRMATIVELY FURTHER FAIR HOUSING (“AFFH”) PURSUANT TO THE COUNTY’S HOUSING IMPLEMENTATION FUND II CAPITAL PROJECT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,500,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,500,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (Adopted , 20__)

BE IT ENACTED BY THE COUNTY BOARD OF LEGISLATORS OF THE COUNTY OF WESTCHESTER, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Board), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the “Law”), the Westchester County Administrative Code, being Chapter 852 of the Laws of 1948, as amended, and other laws applicable thereto, bonds of the County in the aggregate amount of \$3,500,000, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of infrastructure improvements associated with the construction of affordable housing units on property located at 23

Mulberry Street, in the City of Yonkers (the “AFFH Property”) at a cost to the County of \$3,500,000, including related costs incurred by the County, which may include construction management and engineering costs, and staff and legal fees, in order to support the construction of affordable housing units that will affirmatively further fair housing (“AFFH”). The infrastructure improvements may include, but shall not be limited to, paving with curbing and/or sidewalks, storm water detention, drainage systems, sanitary sewer systems, water lines, lighting, related signage and landscaping and construction management and County administrative costs. The funding requested herein, at the aggregate estimated maximum cost of \$3,500,000, is in support of the construction of 60 Affordable AFFH units. The County shall enter into an Inter-municipal/Developer Agreement (“IMDA”) with the City of Yonkers and LaMora, Limited Liability Company (the “Developer”), its successors or assigns, to finance eligible infrastructure improvements associated with the construction of said affordable AFFH units (the “Development”). A deed restriction will be filed against the AFFH Property to require that the AFFH units will be marketed and leased in accordance with an approved affirmative fair housing marketing plan to eligible households for a period of not less than 50 years. The cost of said infrastructure improvements for the AFFH Property is set forth in the County’s Current Year Capital Budget, as amended. To the extent that the details set forth in this act are inconsistent with any details set forth in the Current Year Capital Budget of the County and the Statement of Need, such Budget and Statement of Need shall be deemed and are hereby amended. The estimated maximum cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,500,000. The plan of financing includes the issuance of \$3,500,000 bonds herein authorized, and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy and collection of a tax on taxable

real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. The period of probable usefulness for which said \$3,500,000 bonds are authorized to be issued, within the limitations of Section 11.00 a. 91 of the Law, is fifteen (15) years.

Section 3. The County intends to finance, on an interim basis, the costs or a portion of the costs of said object or purpose for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Bond Act, in the maximum amount of \$3,500,000. This Act is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The estimate of \$3,500,000 as the estimated maximum cost of the aforesaid object or purpose is hereby approved.

Section 5. Subject to the provisions of this Act and of the Law, and pursuant to the provisions of section 30.00 relative to the authorization of the issuance of bond anticipation notes and the renewals thereof, and of sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Board of Legislators relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, and the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds and the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Commissioner of Finance of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Act and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Westchester, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Act and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Act or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Act shall take effect in accordance with Section 107.71 of the Westchester County Charter.

* * *

STATE OF NEW YORK)
 : ss.:
COUNTY OF WESTCHESTER)

I HEREBY CERTIFY that I have compared the foregoing Act No. -20__ with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original Act, which was duly adopted by the County Board of Legislators of the County of Westchester on , 20__ and approved by the County Executive on , 20__.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County Board of Legislators this day of , 20__.

Clerk and Chief Administrative Officer of the County Board of Legislators of the County of Westchester, New York

(SEAL)

LEGAL NOTICE

A Bond Act, a summary of which is published herewith, has been adopted by the Board of Legislators on _____, 20__ and approved by the County Executive on _____, 20__ and the validity of the obligations authorized by such Bond Act may be hereafter contested only if such obligations were authorized for an object or purpose for which the County of Westchester, in the State of New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the Constitution. Complete copies of the Bond Act summarized herewith shall be available for public inspection during normal business hours at the Office of the Clerk of the Board of Legislators of the County of Westchester, New York, for a period of twenty days from the date of publication of this Notice.

ACT NO. _____-20__

BOND ACT AUTHORIZING THE ISSUANCE OF \$3,500,000 BONDS OF THE COUNTY OF WESTCHESTER, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF INFRASTRUCTURE IMPROVEMENTS ASSOCIATED WITH THE CONSTRUCTION OF AFFORDABLE HOUSING UNITS ON PROPERTY LOCATED AT 23 MULBERRY STREET, IN THE CITY OF YONKERS, IN ORDER TO AFFIRMATIVELY FURTHER FAIR HOUSING (“AFFH”) PURSUANT TO THE COUNTY’S HOUSING IMPLEMENTATION FUND II CAPITAL PROJECT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,500,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$3,500,000 BONDS HEREIN AUTHORIZED; AND PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS (Adopted _____, 20__)

Object or purpose: to finance the cost of infrastructure improvements associated with the construction of affordable housing units on property located at 23 Mulberry Street, in the City of Yonkers (the “AFFH Property”) at a cost to the County of \$3,500,000, including related costs incurred by the County, which may include construction management and engineering costs, and staff and legal fees, in order to support the construction of affordable housing units that will affirmatively further fair housing (“AFFH”). The infrastructure improvements may include, but shall not be limited to, paving with curbing and/or sidewalks, storm water detention, drainage systems, sanitary sewer systems, water lines, lighting, related signage and landscaping and construction management and County administrative costs. The funding requested herein, at the aggregate estimated maximum cost of \$3,500,000, is in support of the construction of 60 Affordable AFFH units. The County

shall enter into an Inter-municipal/Developer Agreement (“IMDA”) with the City of Yonkers and LaMora, Limited Liability Company (the “Developer”), its successors or assigns, to finance eligible infrastructure improvements associated with the construction of said affordable AFFH units (the “Development”). A deed restriction will be filed against the AFFH Property to require that the AFFH units will be marketed and leased in accordance with an approved affirmative fair housing marketing plan to eligible households for a period of not less than 50 years. The cost of said infrastructure improvements for the AFFH Property is set forth in the County’s Current Year Capital Budget, as amended.

Amount of obligations to be issued
and period of probable usefulness: \$3,500,000 - fifteen (15) years

Dated: _____, 20____
White Plains, New York

Clerk and Chief Administrative Officer of the County Board
of Legislators of the County of Westchester, New York

CAPITAL PROJECT FACT SHEET

Project ID:* BPL1A	<input checked="" type="checkbox"/> CBA	Fact Sheet Date:* 02-23-2022
Fact Sheet Year:* 2022	Project Title:* HOUSING IMPLEMENTATION FUND II	Legislative District ID: 16
Category* BUILDINGS, LAND & MISCELLANEOUS	Department:* PLANNING	CP Unique ID: 1901

Overall Project Description

This project continues the funding for the Westchester County Housing Implementation Fund (HIF) previously funded under BPL01. HIF is a unique housing incentive program established to provide municipalities with funds for public infrastructure and improvements such as water, sanitary and storm sewer, road and site improvements needed to facilitate the construction or rehabilitation of fair and affordable housing. This is a general fund, specific projects are subject to a Capital Budget Amendment.

- | | | |
|--|--|--|
| <input type="checkbox"/> Best Management Practices | <input type="checkbox"/> Energy Efficiencies | <input checked="" type="checkbox"/> Infrastructure |
| <input type="checkbox"/> Life Safety | <input type="checkbox"/> Project Labor Agreement | <input type="checkbox"/> Revenue |
| <input type="checkbox"/> Security | <input type="checkbox"/> Other | |

FIVE-YEAR CAPITAL PROGRAM (in thousands)

	Estimated Ultimate Total Cost	Appropriated	2022	2023	2024	2025	2026	Under Review
Gross	81,060	46,060	25,000	10,000	0	0	0	0
Less Non-County Shares	0	0	0	0	0	0	0	0
Net	81,060	46,060	25,000	10,000	0	0	0	0

Expended/Obligated Amount (in thousands) as of: 28,782

Current Bond Description: Bonding is requested to provide funding for certain infrastructure improvements for a 60 unit 100% affordable AFFH apartment building with a total of 30 parking spaces at 23 Mulberry Street in the City of Yonkers

Financing Plan for Current Request:

Non-County Shares:	\$ 0
Bonds/Notes:	3,500,000
Cash:	0
Total:	\$ 3,500,000

SEQR Classification:
UNLISTED

Amount Requested:
3,500,000

Comments:

The County will enter into an Inter-Municipal/Developer Agreement with the City of Yonkers and the LaMora, Limited Liability Company, its successors or assigns (the "Developer") to finance eligible infrastructure improvements associated with multi-family development to be constructed at 23 Mulberry Street in the City of Yonkers (the "City"), identified on the tax maps as Section 2, Block 2062, Lot 25 (the "Property"). The City will be responsible for operation and maintenance of the infrastructure and the county shall own the infrastructure improvements for the life of the County bonds. The developer will construct one four-story building with 60 apartments, all of which will affirmatively furthering fair housing (the "Affordable AFFH Units") which will be affordable to households who earn at or below 30% and up to 60% of Westchester County's Area Median Income ("AMI").

The building will have two elevators and residential amenities such as community room, with outdoor space, outdoor rooftop terrace, management office and on-site laundry services. The building will have 57 one-bedroom and 3 two-bedroom apartments. 30 parking spaces will be constructed. These parking spaces will be for the use of the residents.

A total of \$3,500,000 will finance the construction of infrastructure improvements that may include but will not be limited to on-site and off-site paving, curbing, sidewalks, storm water detention, drainage systems, sanitary sewer system, water lines, lighting, signage, landscaping, construction management and county administrative cost.

A deed restriction will be filed against the Property to require that the Affordable AFFH Units be marketed and leased in accordance with an approved affirmative fair housing marketing plan to eligible households for a period of not less than 50 years.

Energy Efficiencies:

ENERGY EFFICIENT APPLIANCES, LIGHTING AND HEATING SYSTEMS AND WATER-CONSERVING FIXTURES. A SOLAR ARRAY WILL BE INSTALLED ON THE ROOF.

Appropriation History:

Year	Amount	Description
2014	5,000,000	PUBLIC INFRASTRUCTURE IMPROVEMENTS
2015	3,000,000	PUBLIC INFRASTRUCTURE IMPROVEMENTS
2016	2,500,000	PUBLIC INFRASTRUCTURE IMPROVEMENTS
2017	3,500,000	GREENBURGH MANHATTAN AVE REDEVELOPMENT SENIOR HOUSING - \$1,000,000; CONTINUATION OF THIS PROJECT - \$2,500,000
2018	4,150,000	CONTINUATION OF THIS PROJECT.
2019	5,910,000	CONTINUATION OF THIS PROJECT
2020	10,000,000	CONTINUATION OF THIS PROJECT
2021	12,000,000	CONTINUATION OF THIS PROJECT \$10,000,000 ; INFRASTRUCTURE BROADBAND \$2,000,000
2022	25,000,000	CONTINUATION OF THIS PROJECT

Total Appropriation History:

71,060,000

Financing History:

Year	Bond Act #	Amount	Issued	Description
15	170	2,400,000	2,125,395	FAH DEVELOPMENT AT 150 NORTH STREET AND THEODORE FREMD AVE IN CITY OF RYE
15	164	0	0	INFRASTRUCTURE IMPROVEMENTS AT 16 ROUTE 6 IN TOWN OF SOMERS
15	206	500,000	494,506	147, 165 AND 175 RAILROAD AVENUE, BEDFORD HILLS INFRASTRUCTURE IMPROVEMENTS
17	174	2,250,000	1,493,480	CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS TO 1847 CROMPOUND ROAD PEEKSKILL
17	210	0	0	CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS AT 501 BROADWAY IN VILLAGE OF BUCHANAN
18	156	0	0	CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS FOR DEVELOPMENT OF AFFORDABLE HOUSING IN NEW ROCHELLE
18	84	2,400,000	1,329,105	CONSTRUCTION OF CERTAIN PUBLIC INFRASTRUCTURE IMPROVEMENTS IN SUPPORT OF HIDDEN MEADOWS DEVELOPMENT
18	188	1,300,000	601,277	INFRASTRUCTURE ASSOCIATED WITH CONSTRUCTION OF AFFORDABLE UNITS AT 25 SOUT REGENT ST IN PORT CHESTER
18	183	4,400,000	0	INFRASTRUCTURE ASSOCIATED WITH AFFORDABLE HOUSING AT 135 S. LEXINGTON AVE IN WHITE PLAINS
19	72	0	0	RESCINDING ACT NO. 156-2018, INFRASTRUCTURE IMPROVEMENTS IN NEW ROCHELLE
19	152	5,760,000	0	CONSTRUCTION OF AFFORDABLE RENTAL UNITS AT 645 MAIN STREET IN PEEKSKILL
19	179	2,500,000	0	CONSTRUCTION OF AFFORDABLE RENTAL UNITS AT 11 GRADEN STREET, NEW ROCHELLE
19	180	0	0	RESCINDS BOND ACT 210-2017
20	51	5,000,000	0	COST OF INFRASTRUCTURE IMPROVEMENTS OF AFFORDABLE HOUSING UNITS IN NEW ROCHELLE
20	97	5,000,000	0	COST OF INFRASTRUCTURE IMPROVEMENTS OF AFFORDABLE HOUSING UNITS IN YONKERS
20	201	2,500,000	0	INFRASTRUCTURE IMPROVEMENTS FOR AFFORDABLE HOUSING UNIT AT 48 MANHATTAN AVE., GREENBURG

Total Financing History:

34,010,000

Recommended By:

Department of Planning
WBB4

Date
03-08-2022

Department of Public Works
RJB4

Date
03-08-2022

Budget Department
LMYI

Date
03-10-2022

Requesting Department
WBB4

Date
03-10-2022

HOUSING IMPLEMENTATION FUND II (BPL1A)

User Department : Planning

Managing Department(s) : Planning ;

Estimated Completion Date: TBD

Planning Board Recommendation: Project approved in concept but subject to subsequent staff review.

FIVE YEAR CAPITAL PROGRAM (in thousands)

	Est Ult Cost	Appropriated	Exp / Obl	2022	2023	2024	2025	2026	Under Review
Gross	81,060	46,060	28,781	25,000	10,000				
Non County Share			72						
Total	81,060	46,060	28,853	25,000	10,000				

Project Description

This project continues the funding for the Westchester County Housing Implementation Fund (HIF) previously funded under BPL01. HIF is a unique housing incentive program established to provide municipalities with funds for public infrastructure and improvements such as water, sanitary and storm sewer, road and site improvements needed to facilitate the construction or rehabilitation of fair and affordable housing. This is a general fund, specific projects are subject to a Capital Budget Amendment.

Current Year Description

The current year requests fund the continuation of this project.

Current Year Financing Plan

Year	Bonds	Cash	Non County Shares	Total
2022	25,000,000			25,000,000

Impact on Operating Budget

The impact on the Operating Budget is the debt service associated with the issuance of bonds.

Appropriation History

Year	Amount	Description	Status
2014	5,000,000	Public infrastructure improvements	COMPLETE
2015	3,000,000	Public infrastructure improvements	COMPLETE
2016	2,500,000	Public infrastructure improvements	COMPLETE
2017	3,500,000	Greenburgh Manhattan Ave Redevelopment Senior Housing - \$1,000,000; continuation of this project -\$2,500,000	COMPLETE
2018	4,150,000	Continuation of this project.	COMPLETE
2019	5,910,000	Continuation of this project	COMPLETE
2020	10,000,000	Continuation of this project	PARTIALLY IN PROGRESS
2021	12,000,000	Continuation of this project \$10,000,000 ; Infrastructure Broadband \$2,000,000	AWAITING BOND AUTHORIZATION
Total	46,060,000		

HOUSING IMPLEMENTATION FUND II (BPL1A)

Prior Appropriations

	Appropriated	Collected	Uncollected
Bond Proceeds	46,060,000	11,846,894	34,213,106
Others		(71,958)	71,958
Total	46,060,000	11,774,936	34,285,064

Bonds Authorized

Bond Act	Amount	Date Sold	Amount Sold	Balance
164 15				
170 15	2,400,000	12/15/17	1,053,460	274,605
		12/15/17	193,426	
		12/15/17	1,634	
		12/10/18	551,309	
		12/10/19	271,876	
		12/10/19	53,689	
206 15	500,000	12/15/17	262,311	5,494
		12/15/17	48,163	
		12/15/17	407	
		12/10/18	183,625	
174 17	2,250,000	12/10/18	24,138	756,520
		12/10/19	127,644	
		12/10/19	25,207	
		04/30/20	192,926	
		10/28/20	985,486	
		10/28/20	138,079	
		10/28/20	38,077	
		10/28/20	(38,077)	
210 17				
84 18	2,400,000	12/10/19	270,781	1,070,895
		12/10/19	53,472	
		04/30/20	560,358	
		10/28/20	389,869	
		10/28/20	54,626	
		10/28/20	15,064	
		10/28/20	(15,064)	
156 18				
188 18	1,300,000	04/30/20	27,188	698,723
		10/28/20	487,032	
		10/28/20	68,239	
		10/28/20	18,818	
183 18	4,400,000			4,400,000

**HOUSING IMPLEMENTATION FUND II
(BPL1A)**

72	19			
152	19	5,760,000		5,760,000
179	19	2,500,000		2,500,000
180	19			
51	20	5,000,000		5,000,000
97	20	5,000,000		5,000,000
201	20	2,500,000		2,500,000
Total		34,010,000	6,043,763	27,966,237

ACT NO. - 2022

AN ACT authorizing the County of Westchester (the "County") to enter into an inter-municipal developer agreement with the City of Yonkers and La Mora, LLC, its successors or assigns, to fund certain infrastructure improvements as well as authorizing the County to grant and accept any property rights necessary in furtherance thereof, all for the purpose of constructing 60 senior affordable rental units at 23 Mulberry Street in the City of Yonkers, that will affirmatively further fair housing and remain affordable for a period of not less than 50 years.

NOW, THEREFORE, BE IT ENACTED by the members of the Board of Legislators of the County of Westchester as follows:

SECTION 1. The County of Westchester (the "County") is hereby authorized to enter into an inter-municipal developer agreement (the "IMDA") with the City of Yonkers (the "City") and La Mora, LLC, (the "Developer"), its successors or assigns, to finance the construction of certain infrastructure improvements including, but not limited to, construction of on-site and street paving, curbing, sidewalks, storm water detention, drainage systems, sanitary sewer system, water lines, lighting, signage, landscaping, construction management and County administrative costs (the "Infrastructure Improvements") in support of 60 senior rental units which will affirmatively further fair housing ("AFFH") as set forth in 42 U.S.C. Section 5304(b)(2) (the "Affordable AFFH Units") at 23 Mulberry Street in the City as part of the County's program to ensure the development of new affordable housing. The term of the IMDA will be fifteen years (commensurate with the period of probable usefulness of the HIF bonds as described herein) in an amount not to exceed THREE MILLION FIVE HUNDRED THOUSAND (\$3,500,000) DOLLARS to finance the Infrastructure Improvements. The County will have an ownership interest in the Infrastructure Improvements through an easement for a term of fifteen years. The

IMDA will provide that the City, the Developer, its successors or assigns, will be responsible for any and all costs of operation and maintenance of the Infrastructure Improvements.

§2. The IMDA will require the Developer, its successors or assigns, as a condition of the County's financing of the Infrastructure Improvements, to record a declaration of restrictive covenants approved by, and enforceable by, the County which will run with the land and bind the property and any successor(s) in interest and will require that the Affordable AFFH Units be maintained and marketed in accordance thereto for a period of not less than fifty years.

§3. The County is hereby authorized to grant and accept any property rights necessary in furtherance of the IMDA and the Affordable AFFH Units.

§4. The period of affordability of the Affordable AFFH Units shall be a minimum of 50 years.

§5. The County Executive or his duly authorized designee is hereby authorized and empowered to execute all instruments and to take all action necessary and appropriate to effectuate the purposes hereof.

§6. This Act shall take effect immediately.